

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

\$84,000 total

**JUDGEMENT,
CASE 3:24-cv-1702-AR**

503-608-7611

DAMAGES

Plaintiff (P)

v.

Julia Annette White (D)

21408 SE 37th St.

Sammamish, WA 98075

Defendant

Tamera Davis (D2)

of 775 Elm St in Mt. Angel,

Oregon

Defendant 2.

David Smith(D3)

david@au

todamageexperts.com

Defendant 3.

James Shipley, D4

OSB 964279,

jtshipley@lygoshipley.com,

2233 NE 47th Ave. Portland,

OR 97213, 503-493-8383.

Defendant D

Defendant Legal Counsel (DLC)

James Shipley, OSB 964279,

jtshipley@lygoshipley.com,

2233 NE 47th Ave. Portland,

I N D E X

2

OR 97213, 503-493-8383.

TABLE OF AUTHORITIES

1) 18 U.S.C. § 1001 False Statements, Concealment.	6
2) 18 U.S.C. 1621 Perjury.....	30
3) 18 USC 3 accessory after the fact.....	5
4) 14 CFR § 47.11 - Evidence of ownership.....	3
5) US Copyright law 17.17.....	3
6) 22–451 June 28th, 2024 Federal Case number 22–451 in Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce that all courts shall no longer function as administrative law courts. https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf 6	
7) Judges Code of Conduct, Canons 2 and 3; https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges	4
8) Oregon Supreme Court Opinion in 366OR49 2019 Marriage of Staveland and Fisher – Division of Marital Assets.....	9
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12) ORS 107.093 C.

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13) ORS 107.105 (1)(d)(C).

.....6

14) ORS

803.010.....2

15) ORS 161.155.

.....1.

16) ORS

161.885.....1

17) ORS 34.080.37) 18 U.S. Code § 4 - Misprision of felony: “Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.”.....2

18) 28 U.S. Code § 4101 The term “defamation” means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.....6

19) Oregon UTCR 5.100 rules for service of court documents.....9

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20) Federal Rule 8 a 1-

3.....1

21) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002):
Pagtalunan

as Pro Se made numerous mistakes in filing his complaint resulting
in the case being dismissed. However, upon appeal, the higher Court
ruled that the lower Court was in error because they did not give
allowance for Pagtalunan's lack of legal training.....1

Plaintiff likewise lacks formal legal training and respectfully requests the
same allowance the higher court said 21) Pagtalunan should have
received.

Plaintiff is advised by a team of 3 professionals, also pro se volunteer.

One is a 40-Year Retired, Federal Attorney, expert in the application of

Federal and Case law, environmental law in particular. Another is an

1

I N D E X

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1 investigative journalist, providing legal research and document editing.

2

3 The 9th Circuit Court of Appeals is currently reviewing 4 cases filed by
4 this

5

6 team for possible removal of judges in violation of 6) 12) 13) 14) and

7

8 37).

9

10 Docket # 24-5735, 24-5275, 24-5811 and 24-5735

11

12 Exhibit one is the Transcripts for 21DR02783 which the trial which is
13 illegal

14

15 administrative law.

16

17 Exhibit One

18 IN THE CIRCUIT COURT OF THE STATE OF OREGON

19 FOR THE COUNTY OF WASHINGTON

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I N D E X

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Julia Annette White

,

Docket No.

21 DR 02783

Appeal Case No.

A179571

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Respondent

VOLUME 1

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Petitioner,

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v.

Hillsboro, Oregon

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David Charles White,

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Proceedings recorded by electronic sound recording; transcript produced by transcription service.

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(541)207-7412

jmuirtranscriber@gmail.com

W I T N E S S

I N D E X

<u>PETITIONER</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>	
Dave Smith	39		59	90	91
Tammy Davis	141		161	173	
Brian White	177		192	206	
Sean Psaradelis Tammy Davis	216		221		
Laura Bramwell Brian White	223		224	225	236
David White					
Julia White	233				
	237				
	339		392	411	
<u>RESPONDENT</u>					
Christine Knutson Julia White					
Brian White	101		119		
David White	413		417	417	417
Leland Jossy	419				
	426		450		460
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11 **G E N E R A L**

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February 4, 2022

Pretrial discussion 12

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February 4, 2022

TRANSCRIPT OF COURT TRIAL
THE HONORABLE D. CHARLES BAILEY
CIRCUIT COURT JUDGE.

APPEARANCES:

For the Petitioner:	Attorney at Law By: James T. Shipley Portland, OR 97321
For the Respondent:	Attorney at Law By: Vincent J. Bernabei Beaverton, OR 97008

(9:06 a.m.)

THE COURT: This is the matter of Julia
White, the petitioner, and David White, the respondent,
21DR02783. Time and place set for trial regarding
dissolution of the marriage. We have Mr. Shipley here
on behalf of Ms. White. And we have Mr. Bernabei on behalf
of Mr. White.

And anything we need to take up before
we begin with the hearing itself?

MR. SHIPLEY: Yes, Your Honor.

February 4, 2022

Pretrial discussion 13

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Yesterday afternoon I submitted a motion in limine

22

regarding excluding evidence pertaining, you know,

23

the -- the -- pertaining to an unequal distribution

24

regarding the family home and -- and what Ms. White got and

Mr. White got relative to an agreement, and the

limited judgment that was entered, which in our opinion, that would have stated it. I

don't know if the Court got my -- my motion.

4

THE COURT: I did not get your motion.

5

MR. SHIPLEY: Okay.

6

MR. BERNABEI: Yeah.

7

MR. SHIPLEY: I can present that now.

8

THE COURT: Not going to do any good.

9

Just tell me what you've got orally.

10

MR. SHIPLEY: Okay.

11

THE COURT: I read your trial

12

memorandum. You mentioned it in your trial memorandum.

13

MR. SHIPLEY: Correct. Does the Court

14

want to read it, or I -- should I just read it?

15

THE COURT: Nope.

16

MR. SHIPLEY: Okay. All right. Going

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February 4, 2022

Pretrial discussion 14

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forward here, it says come from -- the petitioner moves

18

the Court for an order prohibiting respondent from

19

introducing in trial any and all evidence relating to

20

the division of equity in the family home, and

21

prohibiting testimony or argument in contradiction of

22

the terms of the Court's August 18th limited judgment,

23

respondent's trial memorandum, and the UTCR 8.010, just

24

filed that the Court argues that the proposed distribution of

assets and liabilities is not equitable because wife is receiving

more than her fair share of the family home.

3

As already known to the Court, the

4

family home located in Washington County was originally 5 to be

sold.

6

The Court fashioned an order giving wife

7

exclusive possession of the residence and placed her in

8

charge of getting it sold; at the eleventh hour husband

9

offered to buy out wife's interest. It was a

10

negotiated settlement for 285,000. This figure was

11

purely arbitrary in many regards. It's just a

12

settlement number just like two people. Husband has

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February 4, 2022

Pretrial discussion 15

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paid his own home loan, paid off wife, and received 14 sole title of the property.

15

And as part of the broader pendente lite

16

action as stipulated limited judgment was entered by

17

the Court on August 18th, and on page 2 of the limited

18

judgment entitled "Equalizing Property Award" -- 19

THE COURT: Mr. Shipley, I think I

20

understand what you're asking.

21

Mr. Bernabei, is there any issue

22

with -- you guys have reached a decision, a resolution,

23

regarding the house. And it shouldn't be part of the

24

hearing here today regarding the assets and distribution thereof.

MR. BERNABEI: Your Honor, I don't think

that was our stipulation. Here's what we want to do, 3 and -- and, I think, I'm going to break down their 4 motion into two parts.

5

The first is evidence relating to the

6

division of equity in the family home. Clearly, that's 7 relevant,

you know -- Pearson (phonetic) from 1990 and

8

many other cases since -- have all said when evaluating

25

February 4, 2022

Pretrial discussion 16

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9 a spousal support award case, you -- the Court 10 isn't -- is not just entitled but is
required to look

11

at the overall financial circumstances of the parties.

12

So -- so on that point, we feel that it

13

may just be a "form over substance" argument by

14

petitioner here, but they didn't even include the fact

15

that petitioner received \$285,000 in their statement of

16

assets. It sounds from his first point that they just

17

want you to sort of take it off the board and not

18

consider that as a resource.

19

I would point out that one of the issues

20

before the Court is Mr. White's motion to modify the

21

temporary order of support. And -- and even under ORS

22

107.105(1)(d), the property division, and -- and under 23 (1)(f),

the spousal support -- under maintenance,

24 spousal support -- one of the things that the Court is required to consider are the resources of
each party.

And then 107.135, which is the modification statute, it's pretty much the same thing. It
just says "all"

3 resources rather than "the" resources. So on that

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February 4, 2022

Pretrial discussion 17

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point, I think that clearly --

THE COURT: Here's what I want to make
sure I understand where you guys are both coming from
then. The Court should consider the 285,000 from your
position as part of the assets that are available in
this particular -- and essentially, they're asking for 10 spousal support as a resource for
spouse support or why 11 she shouldn't have spousal support.

But at the same time, the Court could
also say that \$285,000 was not an appropriate
equalizing value of the home, and in fact, she should
get more of that value of the home. Is that something
that's still on the table then? Because you guys
didn't -- that's part -- not part of your actual 18 agreement that
you guys reached?

MR. BERNABEI: Well, I'm not sure I
understood that. I heard it.

THE COURT: So, right.

MR. BERNABEI: I'm sorry.

THE COURT: So here's what I'm saying is
if you're saying, "Look, Court."

February 4, 2022

Pretrial discussion 18

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They're saying -- here's what I understood they're saying. If it's more than that, then I've -- and maybe you guys are both saying two 3 different things, and I actually somewhat agree with 4 both of you.

5

I hear them saying, "Look, Judge, as far

6

as the \$285,000 go, we agreed that this was -- even

7

though the house may have been worth more than that or

8

less than that -- we agree \$285,000 was the

9

equalization regarding the house."

10

So the equalization of the house is off.

11

You're saying, "We get that. We all agree on that.

12

But the \$285,000 is something for you to consider as

13

far as resources and assets to her, no different than

14

I'm going to consider the other half of what the house 15 is

worth as an asset in consideration to him."

16

In the end, it becomes a wash. Because

17

to some degree, I have to accept that the parties said

18

this is the amount that we believe is a proper

19

equalization of this home. If it's higher or lower, 20 doesn't

matter. This is what we all sort of said when

21

it came to the house.

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February 4, 2022

Pretrial discussion 19

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MR. SHIPLEY: Right.

23

THE COURT: So even if I consider the

24

fact that she's got \$285,000, I have to consider the fact that he
has an asset worth \$660,000, \$560,000.

MR. BERNABEI: Yeah, 570.

THE COURT: 570, write that down.

3

That's why I became a lawyer. Right.

4

So, in the end, it becomes a wash in

5

that regard. Unless -- this is where I put it back to

6

you -- the Court was to say, "Look, this is a 40-year

7

marriage. He was certainly the breadwinner of the

8

family. She was the one that stayed home. And in

9

order for me -- because of lack of other assets and

10

stuff here -- that probably wasn't a right amount. And

11

what I would like to do is take the asset, the house, 12 and give

her more of the chunk of the value of the

13

house as a way of equalizing this asset because she's

14

not going to have the ability to earn in the future, 15 whereas he may."

16

And that's where I -- that's what I'm

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saying. If you guys have an agreement that this is

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February 4, 2022

Pretrial discussion 20

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what you want me to do but you're saying you didn't,

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now I'm stuck in the position of, okay, what if I

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believe that actually she should have gotten -- and a 21 good way

to do this because spousal support may be more

22

appropriate.

23

MR. BERNABEL: Right.

24

THE COURT: 400,000 is what she

should've got. And so he owes her now a hundred

and -- okay, I don't do math. He owes more money.

Right. Well, then, is that still on the table for the 3 Court to consider here or not? And I

think you guys

4

are saying -- I think your agreement was no.

5

MR. BERNABEL: I agree.

6

THE COURT: Okay. So it can't be both,

7

is my point. So that I think you guys are kind of

8

saying the same thing, but just not realizing you're

9

saying the same thing. I understood, and that's why I

10

took Mr. Shipley saying, "Look, Judge, we made an

11

agreement on the house that this is the values we're

12

going to give. We don't know, we don't care, we didn't

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February 4, 2022

Pretrial discussion 21

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have any real estate appraiser or whatever. We just

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sort of said here's what we think is right for the 15 house. So

that's out. You don't even consider that 16 anymore.

17

Because she has the same -- yeah, she

18

may have that cash, but that's because she now can put

19

that into a new home or do something of that nature,

20

right?

21

MR. BERNABEI: Right.

22

THE COURT: He also has that amount.

23

And he's already chosen to keep it within the house.

24

But it's the same. So it doesn't help the Court go one way or
another except if the Court were to say 40-year marriage, spousal
support's appropriate. Right. You see. You get where I'm coming
from?

3

MR. BERNABEI: I -- I do.

4

THE COURT: I'm not so sure it's in your

5

client's best interest to have it on the table for the

6

Court to consider.

7

MR. BERNABEI: Well --

8

THE COURT: The house -- because if I

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February 4, 2022

Pretrial discussion 22

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9 have to consider the 285,000, I also have to consider 10 the house that he has.

11 MR. BERNABEI: And -- and I agree with

12 you, Your Honor.

13 THE COURT: Okay.

14 MR. BERNABEI: And -- and our agreement

15 is pretty clear. It's a \$570,000 asset.

16 THE COURT: It sounds like it's not

17 pretty clear because you guys aren't agreeing on what

18 it was --

19 MR. BERNABEI: Well, well, again --

20 THE COURT: -- what you guys already

21 agreed to.

22 MR. BERNABEI: -- on the point --

23 there's two points in the motion in limine as I read

24 it. One is introducing at trial any evidence relating to the division of equity. We, for the
reasons

stated -- I disagree with that. We're allowed to present evidence that they have

divided this home 3 \$285,000 equity to each.

4 THE COURT: Well, the question is then

5 if you're allowed to, where's the relevance in that in

6 the consideration of how you guys have decided to split
25

February 4, 2022

Pretrial discussion 23

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the asset. In other words, how is it relevant to what

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the Court now has to decide? And that's where I kind of get --

that's where I kind of (indiscernible). If

10

it is, and you're saying that that's not the agreement,

11

then I think it's not just the \$285,000 that becomes 12 something for the Court to
consider.

13

It also is the house that he has and the

14

value of the house that he has, if it turns out the

15

house was, you know, an appraisal was something that

16

you guys didn't think about, maybe the house given the

17

market right now is a \$700,000 home. And she got the

18

short end of the stick. And so how's the Court 19 consider that?

20

Does the Court consider that in the

21

sense of the trailers and the vehicles that are now out

22

there and the other Roth IRA that's out there? And

23

using that as an equalization to give to wife in this

24

situation. I'm not so sure it's necessarily in your client's best
interest for the Court to have that on

the table to consider. Does that --

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February 4, 2022

Pretrial discussion 24

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MR. BERNABEI: The only reason we want 3 the Court to -- essentially,
the purpose of our

4 introduction of the agreement and including it in our

5 statement of assets is this goes from, you know, an

6 over \$800,000 asset case down to, perhaps a, you know,

7 high \$200,000 asset case, if we just take it off the

8 board entirely. And I think that's important for the 9 Court, especially in, you know, a
divorce where the

10 parties are in the latter stages of their life. This

11 is something that would be relevant for the Court to

12 see what they have as far as these resources and assets 13 available post-divorce for the
rest of their life.

14 THE COURT: I don't disagree with you in

15 the sense that there could be some relevance as to what

16 assets are available or what the size of this -- 17 the -- what's a

better way to put it? -- the lifestyle

18 that they all lived during the time of the marriage for

19 purposes of the Court to consider the spousal support. 20 All right.

21 MR. BERNABEI: Okay.

22 THE COURT: I can get that. But I think

23 if the Court gets into -- and if you all want to take a

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February 4, 2022

Pretrial discussion 25

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24 look at your agreement -- and I have to decide specifically on your agreement what I think
you did,

then I do think it becomes problematic because the question is do I now consider --
because you guys have

3 said, and this is what I understood the agreement

4 was -- is we're agreeing that this is the equalization

5 of the home. This is what he should get because he 6 wants to buy her out of the home.

And he's going to

7 keep the home. And he believes \$285,000 is reasonable.

8 And she agrees that \$285,000 out of that is a 9 reasonable amount to buy her out
of the house.

10 MR. BERNABEI: Right.

11 THE COURT: House is done. Right, as

12 far as evaluation goes, you guys have agreed to that.

13 And then what the Court is left with is to decide, in

14 this particular case, is the personal property. And

15 I'll tell you guys in a second how we're going to deal

16 with that part. And the -- really, the IRAs, the

17 vehicles, and the spousal support. And including

18 whether or not the Court should modify the temporary
25

February 4, 2022

Pretrial discussion 26

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spousal support that Judge Fun entered into that your

20

client appears not to have paid in the last two or 21 three
months.

22

So I get that. I'm going to give you

23

guys a short synopsis of what we're going to do on the

24

property. Each of your clients has done a list that they believe
the properties are. You guys are going to share it amongst
yourselves. And then we're going to have a silent auction. We're
going to decide what is 3 important and how important it is to
them. And then

4 they're going to present it to the Court, and I'll do

5 an equalization judgment. It will be that simple.

6 If they -- if somebody thinks

7 something's valued because the other person wants it,

8 so I'm going to put \$10,000 on that, well, you put

9 \$10,000 on it. You're going to be paying them, the 10 other side, \$10,000. Because they

may only put a 11 dollar. So you guys are going to -- does that make

12

sense?

13

MR. BERNABEI: Not quite.

14

THE COURT: So you guys are going

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February 4, 2022

Pretrial discussion 27

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to -- you're going to list out -- and I know there's

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still a little bit of issue as to some of the things

17

that bought or what husband believes wife took. You

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guys can put that on that list, and I'll compare it,

19

you know. You guys will compare lists out here

20

whenever. And the values of those items.

21

And then they're going to have a silent

22

auction. And this is going to be -- I'll take a look

23

at it, what you think the value of that is. And you

24

guys are then going to send those to me from each of your
clients, and I'll go through, and I'll say here's

the equalization. This person wants these items. They won the bids, and here's the
amount that they're going to be paying in order to keep those items. And my --

4

MR. BERNABEI: Your Honor.

5

THE COURT: -- in what I've learned in

6

that, it's funny how little value the folks believe

7

there actually worth once --

8

MR. BERNABEI: Right.

9

THE COURT: -- it's all said and done.

10

MR. BERNABEI: We actually have a

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February 4, 2022

Pretrial discussion 28

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personal property appraiser schedule. But, Your Honor,

12

one of the issues is there's -- there's apparently

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missing items. Husband says wife took them from the

14

house. She says no. And so --

15

THE COURT: I'll do a factual. Wait.

16

You can present the evidence. And I'll determine if I

17

think that they are or are not missing, and then I'll

18

put them on the list. And if she says she doesn't have

19

them, then she'll get credited as far as having to pay 20 for those.

21

MR. SHIPLEY: So you -- basically, our

22

clients need to say this is the stuff they want and 23 what they

think they're willing to pay for it.

24

THE COURT: Yup. And that's a silent

auction. I don't want them to say it out loud. But I

want it to be in secret. And, the courts going to determine if there's any of those items

that your 3 client thinks she took that she said she didn't. Court

4

will determine if those should be placed on that list.

5

Other than that, there should be some

6

items they all agree that they still each sort of have.

7

MR. BERNABEI: And there are.

25

February 4, 2022

Pretrial discussion 29

1

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8 THE COURT: Right? And we're just going

9 to put those -- make that list, and each of your 10 clients is going to say, here's what I'm

willing to pay 11 for that. Right.

12

And if they, for example, your client

13

said \$100, Mr. Shipley's client said \$50, your client

14

wins, and he's going to owe her 100 bucks. Right. And 15 it's

going to kind of go right on down that list. And 16 so we'll see

how valuable they really think these items

17

are. How much they're really willing to pay for them.

18

So if he puts a dollar on it, the other

19

person puts no-bid, they get it for a buck. That make

20

sense? And I appreciate we'll have some items that the

21

Court will determine. Yep, they should be included on

22

that list. All right. And if wife, if those are

23

included on the list, and the wife says she doesn't

24

have them anymore, you're going to have to pay for them.

MR. BERNABEL: And we do -- we each have

lists. I believe they're -- they're very similar as to 3 the items. Who gets what is where

the issue is? And 4 then, like I said, we've got these missing items.

5

THE COURT: You're just going to put

25

February 4, 2022

Pretrial discussion 30

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6

them all on the list, and we'll look them over from

7

them.

8

MR. BERNABEI: Okay.

9

THE COURT: Yep. So really, what I'm

10

hoping to use our time this morning on, and I think the

11

answer -- Mr. Shipley's original question regarding the 12 home.

The Court will consider the evidence in the

13

sense of here's what the overall state was, here's what

14

their lifestyle was throughout the life of the 40-year

15

marriage for those purposes.

16

As far as a determination of an

17

equalization value, the Court's going to find that the 18 parties

already reached that agreement. The parties

19

already indicated that from your client's perspective,

20

it was worth it to him to keep the value of the house

21

by paying her 285. From her perspective, it was this

22

is enough for me out of this house to allow him to 23 continue to keep the house and the
security mortgage

24 and

to go forward. That that is already equalized.

In other words, I won't consider that in

25

February 4, 2022

Pretrial discussion 31

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the sense of, you know, that was too little, too much, or whatever, and then we're going to offset it with some of the other assets that are out there. So we're going to be left with the two IRAs. I think each of them had an IRA if I remember right. There was four or five vehicles, including the trailer. And I think that 7 was it.

MR. SHIPLEY: Your Honor, we have -- I have an expert witness regarding the --

THE COURT: Dave?

MR. SHIPLEY: Dave Smith.

THE COURT: Yeah.

MR. SHIPLEY: So I would like to be able to proceed with him so I could -- because he's "on the clock" so to speak.

THE COURT: Sure.

MR. BERNABEI: If we could -- if we could call him --

THE COURT: Yeah. All witnesses -- I'll let everybody know that I have a policy of if you have a potential to be a witness in this case, you do need

February 4, 2022

Pretrial discussion 32

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22

to go outside and hang out outside (indiscernible) of

23

the trial itself. So, if you're a potential witness,

24

go head on outside for us. Dave, you can stay because you're probably going to be our first witness. So hang

out for a bit with us.

MR. SHIPLEY: Okay. So should we do the 3 personal property, or can I

call Mr. Smith?

4

THE COURT: No, we'll do Mr. Smith and

5

get the values of the items first and so we can get him 6 out of here.

7

MR. SHIPLEY: Okay. So do the personal 8 property. All right.

9

THE COURT: Anything else as far as

10

preliminary matters we need to take up before we get 11 going with the trial itself?

12

MR. SHIPLEY: Your Honor, we do have

13

these pending contempt matters. So there's -- there's

14

some evidence, even though today's the dissolution. In 15

regards to Mr. Smith, there's some voicemails that Mr.

16 White left Mr. Smith that I want -- that I believe are 17 relevant.

25

February 4, 2022

Pretrial discussion 33

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18

THE COURT: Is there any objection to

19

including all the information, including -- I assumed

20

you wanted to do the same thing as far as your request

21

to modify Judge Fun's spousal support. Does it make

22

sense that we just do -- people present all the 23 information at

the same time versus (indiscernible) 24 each of our hearings?

MR. BERNABEI: If were -- if we do the contempt hearings and
consolidate with this, is that what you're --

3

THE COURT: Yes. Yes.

4

MR. BERNABEI: Yes. I don't have any

5

problem with that. If we do that, though, we do have

6

a -- a response that we believe justifies dismissal of

7

petitioner's motion for contempt. I can go through

8

that very quickly but --

9

THE COURT: Yeah. I just figured you

10

could present the same time they're going to present

11

the information of why they believe your client's in

12

contempt. You're going to present me information on 13 why it's

either not a willful violation or it's just

14

not in contempt.

25

February 4, 2022

Pretrial discussion 34

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15

MR. BERNABEI: Yeah. I -- with

16

theirs -- I don't think we could get to that

17

state -- they've got a deficient statement --

18

THE COURT: The form itself is?

19

MR. BERNABEI: Right. They didn't get a

20

sworn statement, and they didn't comply with the UTCR

21

as far as the --

22

THE COURT: That's fair. That would 23 just be a legal argument.

24

MR. BERNABEI: Now, I did file a

response, and I can, you know, quickly summarize what

-- what those are. But -- but I think that dispenses with substantive evidence on wife's

contempt claim.

3

So the first -- the first issue on the

4

contempt is -- if you -- if you just want me to dive 5 into it. The -

-- let me pull it up here.

6

MR. SHIPLEY: Is there a written motion 7 regarding this?

8

MR. BERNABEI: No. It's a response to 9 the contempt.

10

MR. SHIPLEY: Okay. I didn't prepare it

11

legally for the contempt. I just was -- Your Honor, I

25

February 4, 2022

Pretrial discussion 35

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12

was talking and discussing in terms of presentation of 13
evidence.

14

THE COURT: I understand, but if -- 15

MR. SHIPLEY:

That's fine. I'm just --

16

THE COURT: -- contempt wasn't properly

17

or procedurally proper, then there's no sense in having

18

evidence on it.

19

MR. SHIPLEY: Right.

20

MR. BERNABEI: I'm looking to see what

21

my -- where my response is in my pleading log. Give me 22 one
moment, Your Honor. Let's see.

23

THE COURT: It's funny you should say

24

that because I'm looking through them, and I
don't remember seeing one.

MR. SHIPLEY: The Court -- I think this

Court had signed the show cause regarding

3 the -- regarding the --

25

February 4, 2022

Pretrial discussion 36

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4

MR. BERNABEL: Oh, I know what happened.

5

Okay.

6

THE COURT: There was the pendente lite

7

order --

8

MR. BERNABEL: No, so what happened is

9

in -- so wife filed a contempt motion on September 22,

10

and the -- then, you know, general basis were violation

11

of a no contact order and failing to pay temporary

12

spousal support. What -- in -- in the response, what

13

we have presented is the -- and this was

14

filed -- looks like December 2, 2021 -- the statement

15

in support of the motion for contempt --

16

THE COURT: I got to tell you. I don't 17 have anything filed on September.

18

MR. BERNABEL: I think what happened is 19 it's filed in the contempt

case.

20

MR. SHIPLEY: The contempt cases are

21

filed, like, if you're on the --

22

THE COURT: Yeah. Yeah.

23

MR. SHIPLEY: You've got to go through

24

the criminal side.

25

February 4, 2022

Pretrial discussion 37

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THE COURT: I hate that. But --

MR. BERNABEI: That's why --

THE COURT: -- usually they make sure it 3 gets filed in both.

4

MR. BERNABEI: Yeah, and I'm not -- I -- 5

THE

COURT: It's not in the DR case.

6

MR. BERNABEI: Unfortunately, all I'm

7

looking at is my, you know, hardcopy pleading log. I

8

didn't find this in the divorce case. What I found it

9

in was the contempt case 21CN04559. But clearly,

10

there's no doubt that the statement in support of the

11

motion for contempt is not an affidavit. It's not a

12

declaration. It's just signed and dated. That for a

13

contempt action, which is a statutory action, must be

14

strictly complied with. That's -- that's a fatal

15

error.

16

There is some hearsay in there. I don't

17

think -- that's more for if we get to the hearing. But

18

the other point is the -- at the time that this motion

19

was filed on September 22, roughly two weeks before

20

that the wife had filed a satisfaction of judgment

25

February 4, 2022

Pretrial discussion 38

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21

acknowledging that she had received spousal support.

22

So when this was filed, the support had been paid in 23 full, she actually, you know, knew that. She signed a 24 satisfaction of judgment.

The third issue that -- before we even get into the, you know, the merits of other cases under the Uniform Trial Court Rules

19.020 -- when you're 3 looking for remedial contempt, you have to state

4

whether the party seeks a sanction of confinement.

5

It's required. They didn't do it. And --

6

THE COURT: Isn't the fatality of not

7

doing that just means they can't seek that later on?

8

MR. BERNABEL: I'm sorry?

9

THE COURT: Isn't the fatality of that

10

is just they cannot seek a confinement later on? In

11

other words, the purpose of saying whether or not

12

you're going to be seeking contempt is for the Court to

13

determine whether -- and the person to understand there

14

may be a potential consequence if you're found in

15

contempt. But if they do not state that you are going

16

to find them and put them in jail, then the Court has

25

February 4, 2022

Pretrial discussion 39

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no authority to put them in jail because they weren't

18

on notice of that in the first place. They didn't have 19 notice. Isn't
that the fatality of not placing that in 20 there?

21

MR. BERNABEI: Well, that would be one

22

-- one --

23

THE COURT: Because the Court can always

24 use fines and/or certainly define something just until they're in -- a remedial contempt until

they're in compliance with the Court's actions, Court's order?

MR. BERNABEI: Well, the whole purpose 3 of the contempt order to

show cause is to, you know,

4 give the accused the advanced notice, opportunity to 5 prepare, and be heard.

6

THE COURT: And I understand what the

7

consequences are but don't. I'm with you, but if the -

8

-- and I'd have to take a look at it. There's a case

9

with a statute. My understanding of if you fail to put 10 in there that you're seeking

confinement, all that

11

means is the Court cannot then later confine the person

12

for failure to not comply with the Court's order. The

13

Court is still left with the opportunity to fashion

14

other types of possible sanctions that are -- and

15

remedies available to the Court -- whether it be fines,

25

February 4, 2022

Pretrial discussion 40

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whether it be some property distributions, whether it

17

be something else.

18

MR. BERNABEI: I would agree for

19

punitive contempt.

20

THE COURT: I think it's even remedial.

21

I don't know how on remedial -- so long as -- I'd agree

22 with you completely if it says -- if there's no list.

23

I'll take a look at it here. If there is no listing of

24

what the sanction would be, it leaves the Court in a very difficult -- oh, okay, I can find,

okay, they're

in contempt. And I think the Court can still do that and find them in contempt.

3

But what's the sanction for that?

4

Nothing. There's no "bite" to it, if you will. Unless

5

there is an indication of what they're going to be

6

seeking from the Court as a sanction for being in

7

contempt. I think you and I are agreeing on that. Or

8

I think we may be disagreeing on, though, is just

9

because somebody doesn't seek confinement and therefore

10

doesn't put it in there as a possible consequence of

11

being held in contempt doesn't make the contempt

25

February 4, 2022

Pretrial discussion 41

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necessarily go way. It just means you can't now ask 13 the Court,
nor can the Court place them in confinement

14

because it wasn't sought. Does that make sense?

15

Hopefully, I'm doing okay.

16

MR. BERNABEI: It does. But -- but if

17

you look at that Court rule, the question is, you know, 18 if you
are -- if you are -- in the instrument,

19

initiating instrument in a remedial contempt, the -- it

20

must state in the instrument whether the party seeks a 21 sanction of confinement. So
it's not if you seek it

22 and you don't include it, then you don't -- you're not 23 able to get it later. This is whether
you do and

24 which, you know, implies you either do, or you don't.

And so the way I read that statute or that Court rule

is because of the use of whether it means, you know, whoever is initiating, has to state
whether they're --

3

THE COURT: I appreciate what you're

4

saying. I'm just not so sure it's a fatality at that

5

point in time. It makes the --

6

MR. BERNABEI: All right.

25

February 4, 2022

Pretrial discussion 42

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THE COURT: -- request null and void.

8

MR. BERNABEI: Well, in any event,

9

the -- the unsworn statement certainly --

10

THE COURT: That's certainly a much more 11 compelling
argument.

12

MR. SHIPLEY: Your Honor, we did -- the

13

document that was submitted as support was a 14 declaration.

And the Court accepted that at the time

15

procedurally and went ahead and signed the show cause.

16

So I think to the extent that the Court accepted the

17

document, which is titled "The Declaration" and signed

18

by my client, we believe that that would override any

19

issues regarding the procedural shortcomings of not

20

having a sworn statement. Because the Court --

21

THE COURT: Do either of you guys have a

22

case? I know it's a rule. But do either of you guys

23

have a case? The reason why I say that is I'm actually

24

a member of the Oregon Counsel of Court Procedures, and
generally, the rules make sworn affidavits and

25

February 4, 2022

Pretrial discussion 43

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declarations one and the same. That they're -- the -- generally the difference between one

3

or the other and the importance of them is -- and I'm

4

looking through this and I do think that what makes one

5

sometimes an affidavit better than a declaration, 6 although some declarations still do it --

is under

7

penalty of perjury.

8

And what's missing in even the

9

declaration here is an acknowledgment, an express

10

acknowledgment that I make these things under penalty 11 of

perjury. And it's the one thing that's missing that 12 an affidavit certainly has.

13

And I think the reason for that and why

14

the rules have that are, to some degree, coupled with

15

some of the other aspects that Mr. Bernabei is pointing

16

out is -- or what somebody may be seeking from the 17 Court is

potential confinement and/or a fine of some 18 sort, a monetary sanction from that.

19

And therefore, before we want those to

25

February 4, 2022

Pretrial discussion 44

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go forward, and a person to possibly be sanctioned for 21 those

and have those imposed, we want the other person

22

to have to have made these statements --

23

MR. SHIPLEY: Your Honor?

24

THE COURT: -- with the understanding

that if the statements are untruthful, that they can be sanctioned or charged with perjury.

And here, it would be difficult for a prosecutor to take a look at this as

3

there's no acknowledgment that this is done under

4

penalty of --

5

MR. SHIPLEY: Right. For that matter,

6

my client will swear right now to the "under penalty of

7

perjury" -- to that statement, and at the same time, 8 the Court

did sign off on that order to show cause at 9 that time, so.

10

THE COURT: Yeah. Courts make mistakes

11

all the time. I think part of what goes wrong with

12

courts sometime is we don't acknowledge when --

13

MR. SHIPLEY: Right.

14

THE COURT: -- we make mistakes. And

15

then we bury our heads even further and don't do the

25

February 4, 2022

Pretrial discussion 45

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right things when our mistakes are pointed out to us. 17 And

here, I do think it's deficient. And I appreciate

18

that she would testify to those things.

19

MR. SHIPLEY: And I --

20

THE COURT: But I'll say it with this as

21

well, okay, Mr. Bernabei, I will dismiss this contempt.

22

It doesn't change that they still can't turn around and 23 refile it

and have her do a sworn document.

24

MR. SHIPLEY: Exactly, Your Honor. I

mean otherwise --

THE COURT: There's no statute of

limitations that's going to have rung given the facts

3

and the timing of them. And so I'm not so sure

4

ultimately -- legally, you're correct, and I'll dismiss

5

it if that's what you want. But it doesn't mean I

6

would prevent them from filing again if they did an

7

affidavit or declaration in which they indicated that 8 they understand under penalty of

perjury if they make 9 the statements.

10

MR. BERNABEI: Your Honor, you know, our

11

response was filed in December. I think December 2.

25

February 4, 2022

Pretrial discussion 46

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12

They had plenty of time if they wanted to amend. They

13

haven't done that. I would ask for a dismissal. If

14

they want, you know, without prejudice, so be it.

15

THE COURT: Yep.

16

MR. BERNABEI: But --

17

THE COURT: Court will grant

18

(indiscernible). I'm good, then. They've made that

19

request, and the Court will grant that without

20

prejudice. So you can refile, and if your client

21

decides to do that --

22

MR. SHIPLEY: I still intend to admit

23

the -- the voicemails that were left for Dave Smith.

24

Again, I think those are relevant to his testimony, so.

I -- and I --

THE COURT: Sure. No. Understood. If

Mr. White was calling that Mr. Smith because he heard

3

that Mr. Smith was -- potentially be a witness and

4

making statements, that's relevant to the Court. If he

5

was trying to intimidate a potential witness, there's 6 always relevance.

7

All right. Any other pretrial stuff you

25

February 4, 2022

Pretrial discussion 47

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8

want to take up? I think that's still -- so we don't 9 need to deal

then, obviously, with phone calls to the

10

son. And I guess we don't need to deal with the \$1000

11

in contempt -- in spousal support as far as a contempt

12

matter because that would just be refiled at this point

13

in time, if it is refiled. I'll leave that up to you

14

to make that call and you, the client. So we're just

15

left to the things we've talked about earlier as far as 16 the dissolution of the marriage
itself. All right.

17

MR. BERNABEL: And before we get into

18

the substance, I do want to ask the Court a little bit

19

about our timing today because I had scheduled a couple

20

of witnesses for this afternoon, but it sounds like 21 we're not
going to be here.

22

THE COURT: No. We have -- we already

23

have a 1:30 this afternoon. Yeah.

24

MR. BERNABEL: Well, if -- if I may,
could I have about five minutes --

THE COURT: Absolutely.

25

February 4, 2022

Pretrial discussion 48

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MR. BERNABEI: -- so I could call my 3 clerk, and they can alert everyone.

4 THE COURT: Yeah. If you can get them

5 in here earlier, that would be great.

6 MR. BERNABEI: I doubt we're going to be

7 able to do that if you've got Dave Smith.

8 THE COURT: He'll be fast.

9 MR. SHIPLEY: I've got Dave Smith -- 10

THE COURT: He will be five minutes.

11 MR. SHIPLEY: -- and a realtor to

12 testify. I mean, the realtor may not -- if we're

13 settling personal property right now --

14 THE COURT: Yeah.

15 MR. SHIPLEY: -- is that the game plan?

16 THE COURT: Yes. What do you need the 17 realtor for?

18 MR. SHIPLEY: Well, there is issues

19 of -- I guess you'd say legal issues of -- there's a

20 refrigerator, a washer/dryer, and, like, a hot tub --

25

February 4, 2022

Pretrial discussion 49

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21

THE COURT: Yeah.

22

MR. SHIPLEY: -- and some window

23

coverings.

24

THE COURT: You won't need them.

Because they're going to give you a list, and they're

going to decide what they think the actual values are.

MR. SHIPLEY: All right. So --

3

THE COURT: Yep.

4

MR. SHIPLEY: -- then I won't need that

5

realtor to testify pertaining to industry standards in 6 that regard.

7

THE COURT: Yeah. I completely concur.

8

I don't know who put it in their memorandum. They had

9

been -- it may have been you. We think our stuff is

10

much more valuable than it really is to the rest of the

11

world out there. And I'm one of those who believe that

12

if you really think it's worth that, put it down on 13 that silent

auction and pay for it. If not, it really

14

was not worth that much, and it may have been puffery.

15

So that's kind of where I go with that. So we don't

16

need the real estate agent to come in and talk about 17 values because they're going to

determine the values of

25

February 4, 2022

Pretrial discussion 50

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their own stuff.

19

MR. SHIPLEY: All right.

20

THE COURT: Does that make sense?

21

MR. SHIPLEY: I'll let him -- 22

THE COURT:

Yeah, so do you think your

23

-- if you can get a hold of staff, you could possibly

24

call those witnesses and get them in for -- I will say our 10:30 went away. So we do have
up till noon.

MR. BERNABEI: Right. The problem is I

couldn't get him in the morning --

3

THE COURT: Okay.

4

MR. BERNABEI: -- so we scheduled him

5

for the afternoon.

6

THE COURT: Okay.

7

MR. SHIPLEY: Well, I mean, the one

8

witness is regarding personal property, so -- 9

MR. BERNABEI: Well, that's true.

10

MR. SHIPLEY: To the extent we are done

11

with that, you won't need to have that person testify. 12

THE COURT: Yeah. I'm not done with it,

25

February 4, 2022

Pretrial discussion 51

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13 but we're not going to be having testimony here today.

14 But yeah. Does that help, Mr. Bernabei? 15 MR. BERNABEI: It does. It may. So

16 I -- I just need to contact the other witness.

17 THE COURT: That's fine.

18 MR. BERNABEI: So if I could have just a 19 few minutes.

20 THE COURT: Yeah. We'll take a five-

21 minute break and kind of get back here ten minutes to.

22 I'm going to recess real quick. Yeah.

23 MR. SHIPLEY: Thank you.

24 (Court recessed from 9:43 a.m. and 9:56 a.m.)

THE COURT: All right. Hopefully,
everyone was able to get ahold of the folks and get them in different times. So with that

then, I read 3 through your memos. So anything else to take up at the

4 time before you call your first witness, Mr. Shipley?

5 MR. SHIPLEY: Did you want these

6 property lists?

7 THE COURT: Not now.

8 MR. SHIPLEY: Okay.

9 THE COURT: What I'm going to do with

10 the property lists because I still think we still have

25

February 4, 2022

Pretrial discussion 52

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the information that Mr. White thinks that she's got

12

certain items that took out that we'll hear some

13

evidence about whether I agree with that, and that that

14

needs to be on that list. You guys are going to keep

15

the lists. I need -- and your clients are going to go

16

through the lists and get their silent auction on those 17 lists. And

then you're going to submit them to me.

18

And then I'm going to decide, okay, who won. And if

19

they did, this is how much they're going to pay for 20 that item. And then, with the

equalization, hopefully,

21

is in the end. Does that make sense?

22

MR. SHIPLEY: Okay.

23

THE COURT: Yep. Okay. With that, you 24 may call your first

witness. MR. SHIPLEY:

Your Honor, then one more -- just a quick question.

THE COURT: Sure.

MR. SHIPLEY: -- before I call. We do

3

have a hearing set out -- I -- I know we're trying to

4

get as much done on the dissolution today, but we have

5

a hearing in a set couple months regarding the

25

February 4, 2022

Pretrial discussion 53

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contempt. So I -- I assume what we're doing -- we

7

don't have to try to press through and get all through

8

the contempt stuff today to the extent Mr. Bernabei

9

will have evidence. I assume we'll then have that

10

subsequent hearing at that point.

11

THE COURT: Yeah, that's fine. 12 MR. SHIPLEY: Okay. Yes, my first

13

witness would be Dave Smith.

14

DAVE SMITH

15

called as a witness for the Petitioner, having been

duly 16 sworn, testified as follows:

17

THE COURT: Go ahead and have a seat.

18

And once you're seated, tell us your first and last 19 name,

and spell your last name for us, please. 20

THE WITNESS: My name is David Smith,

21

S-M-I-T-H.

22

THE COURT: And you may inquire.

23

DIRECT EXAMINATION

24

BY MR. SHIPLEY:

Q Mr. Smith, there's two notebooks in front of you.

25

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David Smith-D 54

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The one on the -- you're right is petitioner's trial notebook. If you could, just to be prepared, go ahead 3 and flip to item number 4, which is going to be Exhibit

4

4. And we'll be talking about that here in a minute.

5

Mr. Smith, can you please tell

6

the -- the Court what your employment is?

7

A Yes, sir. My name is -- I -- I work with my

8

company, Auto Damage Experts. And I'm an automotive 9
appraiser.

10

Q And how long have you been a -- or how long 11 have you been an automotive appraiser?

12

A So I've been appraising automobiles since I

13

was 18, working in the new and used car dealership

14

business. And then professionally as a sole income

15

since 2008, when I started Auto Damage Experts in 16 Oregon.

17

Q You said you started at 18. How old are you

18

now?

19

A I am 50 -- going to be 51.

20

Q Okay. And in your work as an auto damage

21

appraiser, can you tell the Court what type of

22

appraisals you do and for what situations?

25

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David Smith-D 55

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2

23 A Certainly. So we do total loss appraisals.

24 We do bankruptcy appraisals. We do appraisals for corporations, organizations
such as the IRS, insurance companies, consumers, dealerships, businesses. All
different types of situations. We've done them for

3 museums even. So there's all kinds -- the U.S. Marshal

4 Service, for example. So we do them for asset

5 forfeiture, those types of things as well.

6 But we also appraise values, damage, as well

7 as diminished value after an accident. Those types of

8 things too. So we take all condition involved in 9 consideration when we're appraising

the value of the 10 vehicle.

11 Q And have you ever testified in court before?

12 A Yes, sir.

13 Q How many times do you think you've done that?

14 A I think in trial, about 20 times; in

15 arbitrations, over 100, maybe 150 times.

16 Q Okay. And one of the items that you were

17 asked to appraise was a camper --

18 A Yes, sir.

25

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19 Q -- an Artic Fox camper. Can you tell the 20 Court what your experiences
is in, in appraising these
21 types of items?

22 A So I -- when you add up campers, RVs, 23 motorhomes, etc., we probably
appraised over 500 of 24 those in that 14-year period.

Q Okay. Throughout your career, do you
have -- could you estimate, like, how many vehicle and camper/RV appraisals you've
done?

3 A Altogether, probably at this point, about
4 35,000 appraisals total. On RVs and campers, probably
5 about 1,000 because we also repaired and totaled out 6 campers and RVs. And
my experiences is as a collision 7 repair expert, too, in between car sales and
AD. 8 MR. SHIPLEY: Okay. Your Honor, we

9 offer Mr. Smith as an expert.

10 THE COURT: Any objection to that, Mr.

11 Bernabei?

12 MR. BERNABEI: In automobile valuation,

13 I think that the -- if that's what they're offering as

14 an expert --

15 THE COURT: And RV. He's also indicated

25

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David Smith-D 57

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16

he's done RVs as well.

17

MR. BERNABEL: Your Honor -- 18 THE COURT: Travel trailers in
this 19 case.

20

MR. BERNABEL: We do not object to Mr.

21

Smith giving an expert opinion.

22

THE COURT: All right. We'll so deem

23

him as an expert for these areas.

24

BY MR. SHIPLEY:

Q

Mr. Smith, was there ever any conversation

with somebody from your office or my office where we ever, prior to you doing

your appraisals, where we 3 asked you or guided you in what type of a number we

4

wanted?

5

A No, sir.

6

Q Okay. Were you ever contacted by Mr. White

7

prior to you starting your appraisals and -- and 8 inspections of the items?

9

A Yes, sir. I've -- my office received

10

voicemails.

11

Q Okay.

12

MR. SHIPLEY: Your Honor, I have

13

this --these on my computer. I don't know if it -- if

25

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David Smith-D 58

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14

it'll be -- if the speaker will pick it up. I can

15

crank it up.

16

THE COURT: It'll be fine.

17

MR. SHIPLEY: Okay.

18

MR. BERNABEI: Well, I'm going to object 19 unless it's

authenticated and offered.

20

THE COURT: I assumed all you're going

21

to be doing was doing a snippet for him to identify

22

that and say, "Yep, that's a voicemail," --

23

MR. SHIPLEY: Yes.

24

THE COURT: -- "that was left," and then

for them to offer it before you played it in total.

MR. BERNABEI: Okay. All right. So

which numbers is this?

3

MR. SHIPLEY: This is not an exhibit

4

there. But this is a -- these -- I've sent these to

5

your office before. They are --

6

THE COURT: Well, what are they going to 7 be marked as?

8

MR. SHIPLEY: I guess we could mark them

9

as --

25

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THE COURT: And do you have a thumb

11

drive or something to place them on for the Court to

12

accept? I mean, if you want the Court to accept your

13

full computer, I'll --

14

MR. SHIPLEY: They can -- they can

15

accept --

16

THE COURT: -- accept your full

17

computer.

18

MR. SHIPLEY: I get it back if --

19

THE COURT: It's not the first time I've

20

accepted somebody's phone.

21

MR. SHIPLEY: That's fine. You can a -- 22 I will offer the full computer.

23

THE COURT: You don't want to do that

24

because you're going to need it during trial. Here's what I'm

going to ask of this. We'll go through the foundational aspects

of things. If it turns out the

Court is going to receive it, what I need from you --

3

because we ultimately give you back your exhibits

4

anyways -- is an assurance that you have downloaded it

5

onto a thumb drive; and that you have saved what is on

6

that thumb drive; that you share it with Mr. Bernabei;

25

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7

and Mr. Bernabei agrees that that's what was presented 8 and from the Court, or it was
accepted and received by 9 the Court.

10

MR. SHIPLEY: All right.

11

THE COURT: Then we'll all have a good

12 record at that point.

13

MR. SHIPLEY: We could do that, Your

14

Honor.

15

THE COURT: Okay. Go ahead.

16

MR. SHIPLEY: Okay. Hopefully, we can

17

all hear this.

18

(Audio played at 10:03 a.m. -- audio

19

transcribed.)

20

MR. WHITE: Hi, David. This is Dave

21

White. I --

22

(Audio paused at 10:03 a.m.)

23

BY MR. SHIPLEY:

24

Q Is that a voicemail that you received, Mr.

Smith?

A

Yes, sir, it is.

Q

And you've spoken to Mr. White in person; is

3

that correct?

4

A

Yes, sir, I have.

25

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5

Q And do you believe that that voicemail was -- 6 that this voicemail was,
in fact, Dave White calling

7

you?

8

A It was consistent with my recollection of his 9 voice then and when I talked to

him in person. 10

Q Okay. And then the voice -- the voicemail

11

also identifies who the caller is; is that correct?

12

A That's correct.

13

Q Okay.

14

THE COURT: Let's -- you are on Exhibit

15

--

16

MR. SHIPLEY: We'll call this 26.

17

THE COURT: Do we have a 25?

18

MR. SHIPLEY: I do -- I --

19

THE COURT: Thank you. Sure. We'll

20

call it Exhibit 26. Any objection to 26, the playing 21 of what
was purported to be your client's voicemail?

22

MR. BERNABEI: Well, I'm -- I'm going to

23

object on relevancy grounds unless this -- this

24

conversation was somehow incorporated into the witness's
expert opinion.

25

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THE COURT: Objection overruled. You
may play it.

3

MR. SHIPLEY: Okay.

4

(Audio played at 10:04 a.m. -- audio

5

transcribed.)

6

MR. WHITE: I got your crappy, bullshit

7

evaluation of the truck. You think somebody's going to

8

pay 18,000 --

9

(Audio paused at 10:04 a.m.)

10

MR. SHIPLEY: Oh, Your Honor, that's

11

actually the -- the second voicemail. So I'm going to

12

offer that one, but then there's a second, another 13 voicemail
that was sent prior to him commencing. 14

15

THE COURT: So let's -- we'll put them
all on the same thumb drive.

16

MR. SHIPLEY: Okay.

17

THE COURT: And we'll mark the first one

18

-- let's play the first one --

19

MR. SHIPLEY: Okay.

20

THE COURT: -- as 26.

25

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21

MR. SHIPLEY: Okay.

22

THE COURT: We'll have him authenticate

23

the next one. We'll call it 27.

24

MR. SHIPLEY: All right.

THE COURT: And we'll kind of go from
there.

(Audio played at 10:05 a.m.)

3

MR. WHITE: Hi, this message is for

4

David Smith. My name is Dave White of -- 5

(Audio paused at 10:05 a.m.)

6

BY MR. SHIPLEY:

7

Q Mr. Smith, this was a voicemail that was sent

8

to you. Was this email or voicemail sent to you from

9

David White?

10

A Yes, sir. It's our phone system. Any 11 voicemails automatically are
downloaded and distributed

12

to the office.

13

Q Okay.

14

A So that's how I received this voicemail.

15

Q And is the voice that we just heard there, is

25

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David Smith-D 64

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16 that consistent with Mr. White's voice that you're 17 familiar with?

18 A As best as I'm familiar with. I'm not a 19 voice expert, but it certainly is

consistent. 20 Q Okay. So did Mr. White call you before you 21 even began your
appraisals?

22 A Yes, sir. Before we ever had contact with 23 him.

24 Q Okay. And then the -- the other voicemail, is that he called you after the
appraisals were

completed; is that correct?

A Correct.

3

Q Okay. And from your listening to these, you

4

know, voicemails, what was your impression of what Mr.

5

White was trying to do?

6

A Obviously, he had desired to -- 7

MR. BERNABEI:

I'm going to object.

8

THE WITNESS: -- influence -- 9

MR. BERNABEI:

This calls for somebody 10 else's state of mind.

11

THE COURT: Calls for speculation.

12

BY MR. SHIPLEY:

13

Q What did you think?

14

A It was my opinion that he --

25

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15

THE COURT: It's not relevant what he 16 thought.

17

MR. SHIPLEY: Okay. All right. Well,

18

I'll just go ahead and play this one. I'm offering it.

19

(Petitioner's Exhibit 26 offered into

20

evidence)

21

THE COURT: Yep. I got it.

22

MR. SHIPLEY: All right.

23

THE COURT: It's been received.

24

(Petitioner's Exhibit 26 received into

evidence.)

THE COURT: All right.

(Audio played at 10:06 a.m.)

3

UNIDENTIFIED SPEAKER: ChangeTruthInc,

4

cc'd Truth.org. Hi, you may be getting a call from

5

Shipley, attorney for my wife, who wants you to come

6

out and appraise our vehicles. Coming out and

7

appraising them is not needed. I sent to my attorney

8

the KBB data that proves the correct value of them to 9 my

attorney, and he sent that to Jim Shipley.

10

He wants to waste money and your time to

25

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11

come out here and do that. If you want, you can send

12

an email to research@cctruth.org, and I will send you 13 the

document that has the links in it that proves what 14 the value

is.

15

The truck, 2005 Chevy Silverado, 160,000

16

miles, needs a blower. I have a quote from CARR

17

Chevrolet for that; that was like 5,600, something like 18 that.

The turbo's gone on it, and it needs a new one.

19 And so that dropped the value from 13,000 down to 20 7,000, something like that. Their

value on KBB was 21 13,000.

22

So,] -- and also for my car, a 2014

23

Volkswagen Jetta Diesel TDI is worth 6,600.

24

You come up with any other values than

those -- if you want to come out here -- you come up

with any other values than those, you will be wrong.

And if Jim Shipley wants to push your values, I will

3

sue the shit out of you and him because KBB, as you

4

know, for this neighborhood is the right value, better

5

than any car dealer, better than anything. You guys 6 probably use it yourselves.

7

Anyway, my number is 503-995-1231.

25

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8

Thank you. Bye-bye.

9

(Audio ended at 10:08 a.m.)

10

BY MR. SHIPLEY:

11

Q So you received that voicemail just prior to

12

you doing the appraisals; is that correct?

13

A Yes, sir.

14

MR. SHIPLEY: Okay. Your Honor, I'm now

15

going to -- 16 BY MR. SHIPLEY:

17

Q After you did the appraisals, then you got 18 another voicemail, right? And
that's the other one.

19

Correct?

20

A Yes, sir.

21

Q Okay.

22

MR. SHIPLEY: Your Honor, I'm going to

23

play that one now. And I -- this will be 27.

24

(Petitioner's Exhibit 27 offered and received

into evidence)

THE COURT: 27. Um-hum.

MR. BERNABEI: Again, I'm going to 3 object on relevance

grounds.

25

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4

THE COURT: It's relevant because it's

5

trying to intimidate a witness, so proceed.

6

(Video played at 10:09 a.m. -- audio

7

transcribed.)

8

MR. WHITE: Hi, David. This is Dave

9

White. I saw your crappy, bullshit evaluation of the

10

truck. You think somebody's going to pay \$18,511 for a

11

truck that needs a \$5,000 blower? Are you f'in stupid,

12

high, or what? I will sue the shit out of you, and 13 I'll get

another appraisal that will say that yours is 14 junk.

15

And that my Jetta is worth \$18,000? I

16

just bought it in 2018 for that. And it's gone down in 17 value.

It's not worth 11,884.

18

And the camper is a bullshit one. I do

19

RV electrical. I appraise campers and RVs all the

20

time. It's not worth 28,498 unless you want to pay

21

that for it again. If you want to pay any of these

22

prices, bring a truck -- a check for all three, and 23 I'll sell them

to you.

24

Otherwise, do it over again and do it

25

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David Smith-D 69

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correctly closer to the KBB value. Those KBB values
are correct based on vehicle sales in this neighborhood. So you just lied to Jim Shipley.
My

3

number is 503-995-1231.

4

(Audio ended at 10:10 a.m.)

5

BY MR. SHIPLEY:

6

Q And, Mr. Smith, to confirm that, that 7 voicemail was left for
you after you completed your

8

appraisals, correct?

9

A Correct.

10

Q So, Mr. Smith, did you have the occasion to
actually inspect -- there was three items, I believe.

11

12

If you could -- did you have the chance to inspect

13

those three items?

14

A I did. I went to his residence and inspected 15 the Jetta, the truck, and
the camper at the same time.

16

Q Okay. And so let's go -- I'm going to go

17

ahead and, if you can, I'm showing you Exhibit 4,

18

Plaintiff's Exhibit -- Petitioner's Exhibit 4. Can you

19

go ahead and look through that and then tell the Court 20 what those are?

25

February 4, 2022

David Smith-D 70

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21 A So these are the completed appraisals on the
22 three pieces or the three vehicles.

23 Q Okay.

24 A The three.

Q And so when you -- what did you do -- tell
the Court what your process was in coming up with these appraisals?

3 A Certainly. So we use the same process on all 4 appraisals for all clients. We do
inspection of the

5 vehicle whenever possible. We document the options and

6 the condition of the vehicle. Then we run a NADA value

7 which is based on actual vehicle sales for this -- for 8 this market, on that VIN number
with those options.

9 Then we also look for comparable vehicles as close as

10 possible or as close in area to our area, and then we

11 expand that search as needed, depending on the rarity 12 of the vehicle or how
common the vehicle is.

13 And then we take those comparable vehicles,

14 what the values are for those, average those out with 15 adjustments

for mileage and condition, and then we take 16 the NADA value and

average those two together.

25

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David Smith-D 71

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17

The NADA value is behind. For example, in

18

this, in the year 2021, from the beginning of the year 19 to the end of

the year, we've seen an uptick in used

20

car values as much as 30 percent by some opinions. So

21

the NADA value is still a live indicator behind the 22 actual comparable vehicle

marketplace.

23

So that's one of the things that we do, to

24

make adjustments for that too. So, in this case, we did the same exact

process. We ran a NADA historical value or a current market value. We

looked for -- searched for comparable vehicles with similar mileage,

3

condition, and options. And then we averaged those

4

numbers out to come up with the market value with 5 adjustments.

6

Q Okay. And in regards to the Volkswagen -- 7 are these reports the -- your reports that you created?

8

A Yes, sir.

9

Q And were these done in the ordinary course of 10 your business as an auto appraiser?

11

A In a consistent process that we do all our 12 appraisals, yes, sir.

13

THE COURT: Your Honor, I offer these

14

appraisals into evidence as Petitioner's Exhibit 4.

25

February 4, 2022

David Smith-D 72

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15

(Petitioner's Exhibit 4 offered into

16

evidence)

17

THE COURT: Any objection?

18

MR. SMITH: No.

19

THE COURT: 4 is received.

20

(Petitioner's Exhibit 4 received into

21

evidence.)

22

BY MR. SHIPLEY:

23

Q Mr. Smith, what is your opinion as to the 24 value of
the Volkswagen Jetta?

A

The Volkswagen Jetta's market value would
come in no less than \$11,884.88 in the local marketplace.

3

Q And then the next one is the Chevy Silverado.

4

What was your opinion as to value of the Chevy 5 Silverado?

6

A The Chevy Silverado, which is a diesel

7

dually, the market value would be no less than

8

\$18,511.25. It was rated as average because it does 9 need some reconditioning and
work. And so there was 10 adjustments made for that too.

11

Q And then, what was your opinion as to the 12 value of the Arctic Fox camper?

13

A The Arctic fart -- Fox camper was 28,498.50.

25

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David Smith-D 73

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14 And again, that was rated as average because there are 15 some issues that
need to be repaired.

16 Q Now, the values to these vehicles and then
17 also the camper, just from my historical reference,
18 seem to be high, higher. Is that -- what is the market
19 like these days? And I know we -- we see things on the
20 news, we look at cars ourselves, but can you just
21 educate the Court upon your -- your expert opinion on
22 values of vehicles and campers in the -- in the
23 present-day?

24 A Certainly. So through the rest of 2021, the
values continued to climb. We are just now starting to
see data that, through January, they were still climbing and they may just be
plateauing now. But 3 through the market, it has been accelerating every 4 single month.
From September through December, we saw 5 month over month increase in market value.

6 Q And, I mean, would you say your opinion based
7 upon your long-standing history in the industry that
8 the present -- at the present time, the value for used
9 vehicles and campers is, what is it relative to like, 10 say, three years ago?

11 A Used vehicles are going for an all-time high,

25

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12 than what -- than what we've seen. For example, my own
13 personal truck, I paid \$33,000 for it in 2016. Went to
14 Dave Smith's Motors. Got a great deal. It's still
15 worth \$29,000 as of today.

16 Q Okay.

17 A But the market -- there's just a shortage of
18 vehicles or inventory for dealerships. So trucks 19 specifically, and then it goes
down from there. 20 Everything is in a high demand and has a higher value 21
to it.

22 Q Within those voicemails, Mr. White expresses 23 certain opinions as to values
and the KBB and such.

24 Can you address those opinions in your -- from your professional perspective?

A Certainly. My venue is in NADA, KBB,
Edmunds -- in my business, whether it be in sales or in
3 collision repair or an appraisal, for about 304 something years. KBB has two
distinct different

5 numbers they give you. One -- and this is my problem

6 with KBB -- one, if you're selling something, they give

7 you a very low number. If you're buying something,

8 they give you a very high number. So it's verly

25

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David Smith-D 75

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9

(sic) -- very dealer centric. So it's designed to help

10

you feel more comfortable with the number they give you

11

at trade-in when you're selling something and to make

12

you feel more comfortable when you're going to buy 13 something. So we can see a

large disparity between 14 those two numbers on KBB specifically.

15

Edmunds is more based on actual market data.

16

NADA, my system, is actually a subscription-based

17

system. It's only based on actual sales from actual

18

dealerships that are reporting those sales to them.

19

Q Based upon your work experience --

20

professional 30-plus years or so -- are you confident 21 in the values

that you've placed on these vehicles and

22

the camper?

23

A Yes, sir. I am.

24

MR. SHIPLEY: Your Honor, no more

questions.

25

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David Smith-X 76

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CROSS-EXAMINATION

BY MR. BERNABEI:

3

Q If I may take a look at your file there,

4

please?

5

A Certainly.

6

Q Is this your complete file on this project? 7 A Yes, sir. That's
everything that was in the 8 file. I had my receptionist print it out.

9

Q Thank you. Hang on a minute. All right.

10

(Pause)

11

BY MR. BERNABEI:

12

Q When was your first contact with Mr. Shipley 13 on this case?

14

A I don't have that specific date in front of

15

me. I believe it was in September.

16

Q Was it by email?

17

A I can't -- my -- I can't say for sure because

18

it -- I wasn't the one who received it. So it could

19

have been the receptionist, or it could have been 20 Emily. A lot of times, it is

by phone. And sometimes, 21 it's by email, but I can't say specifically.

22

Q Well, I noticed your file doesn't have any

23

email or -- or written communications between your

25

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David Smith-X 77

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24

office and the attorney's office?

A No. This is my work file.

Q So there's another file?

A No. That's my work file.

3

Q So did you have any written communications in

4

email or letter form between your office and the

5

attorney's office?

6

A I'm -- I'm not aware what was written, sent 7 or not, because it was --
it didn't involve me.

8

Q Okay. So let's start with the voicemails.

9

You said after you got the first one, you actually

10

scheduled the appraisal with Mr. White; is that right?

11

A I believe we contacted the attorney's office

12

to coordinate that, if I -- if I remember correctly.

13

Q Mr. Shipley's office?

14

A I believe so.

15

Q Okay. But -- but these vehicles were in Mr.

16

White's possession?

17

A Yes, sir.

18

Q All right. And so how was it that you

25

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David Smith-X 78

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19 coordinated a time with him to come and look?

20 A Again, I don't do that part.

21 Q Oh.

22 A I'm looking at vehicles. So my office would

23 typically -- what we would typically do is contact the

24 party and say can we set up an inspection and look at the vehicle. After we
received those emails, the girls

in my office were quite concerned. So they -- I recommended they contact Mr. Shipley's
office to have him coordinate that.

4 Q All right. So what emails did you receive?

5 A The voicemails. That's what I'm talking about. They come to us as
emails.

7 Q All right. So the voicemail before the
8 appraisal --

9 A Yes.

10 Q -- that comes in, and that caused concern in
11 your office. Is that what you're telling us?

12 A Yeah. My wife was very concerned.

13 Q And then you schedule the time with --
14 somehow to get to Mr. White's --
25

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David Smith-X 79

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15 A My office -- my office and the client, yes,

16 sir.

17 Q And you went alone.

18 A Yep.

19 Q And you were able to conduct your appraisal, 20 correct?

21 A Yes. My inspection, that's where I do my 22 inspection.

23 Q Right, your inspection. So did you call Mr.

24 White back?

A No, sir.

Q And these were -- the inspections you did were at Mr. White's home,
right?

3 A Yes, sir. And across the street. 4 Q All right. Initially, you
were hired to

5 appraise four vehicles; is that right?

6 A I believe that's correct.

7 Q And so you did not appraise Ms. White's 8 vehicle, correct?

9 A No, sir. It was involved in an accident, 10 from what I understand.

11 Q All right. So in the other binder that you

12 have in front of you, probably to your far left or

13 maybe it's underneath -- usually we do white and black,

25

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David Smith-X 80

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14

but we -- we got tied up on this, I guess. If you

15

could go to Exhibit 124. Did you --

16

MR. SHIPLEY: Can we -- can you give me

17

a second to get there, please. Sorry.

18

BY MR. BERNABEI:

19

Q Could -- could you tell us what 124 is? 20 A

Yes, sir. It's a Kelley Blue Book sell-to21 private-party market
range.

22

Q All right. And you mentioned a -- that 23 Kelley Blue Book has two values.

One is if you're 24 trading-in value, to a dealer, right?

A

Well, they have -- yeah, they have what --

25

February 4, 2022

David Smith-X 81

1

2

Q All right. Hang on.

A -- they have two values.

3

Q So let's just stick --

4

MR. SHIPLEY: Your Honor --

5

MR. BERNABEI: -- with the one of two.

6

MR. SHIPLEY: So Mr. Bernabei did not

7

allow my -- the witness to answer the question.

8

THE COURT: I think he is, but he just

9

wanted to make sure he was clear what the question was.

10

Go ahead, Mr. Bernabei.

11

BY MR. BERNABEI:

12

Q So there's -- there's two categories that KBB 13 uses as

-- as I understand your testimony, right? 14 A There's

two primary directions that KBB sends 15 the inquirer to.

16

Q And one of those is trade-in value, right?

17

A Trade-in value is a component. But it's more 18 along the lines of a sell-

to -- to a private party or 19 to buy-from a dealership. Those are the two

components 20 that I was speaking of.

21

Q All right. Does Kelley Blue Book provide 22 data on trade-in value if you're

going to trade in your

25

Q

February 4, 2022

David Smith-X 82

1

2

23 vehicle?

24 A Yes, sir, they do.

And do they provide a private party value, if
you're going to sell your own vehicle to a willing purchaser?

3 A They do.

4 Q And then do they also have a third component

5 which is what a dealer would sell a like

6 model/make/year car for?

7 A They do.

8 Q All right. And those are the three, you

9 know, whether you call them components or categories, 10 those are the three
classifications that Kelley Blue 11 Book uses, right?

12 A There's actually more than that. When you

13 actually dig into it, there's probably about eight or

14 nine different categories. That's why, I said, you

15 have to look at them in sub-classifications.

16 Q And I know there are a lot of sub-

17 classifications, but those are the three that most 18 consumers and most -- even
within your industry -- look 19 to, those three components.

20 A There's more than that. But they are three

25 Q

February 4, 2022

David Smith-X 83

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2

21

components that are available. So, I mean, there's

22

loan value. There's all different kinds of components.

23

That's why I have to be careful in answering your 24 question.

But these other components you're talking
about are subcategories of those three, right?

3

A Trade-in value is also a subcategory. So
when I was talking about sell-to and by-from, I was

4

giving you the example why there's such a large

5

disparity between the two. And then, I'm explaining

6

that the sell-to is to help the trade-in or the seller

7

be more comfortable with a lower trade-in value. Where 8 the by-from -- for example,
the dealership -- is to 9 help the dealership collect more money for what they're

10

selling.

11

So those two numbers in Kelley Blue Book

12

specifically are the most broad of any of the 13 guidebooks or the online
databases for market 14 valuation.

15

Q Okay. So -- so, if I'm hearing you

16

correctly, I'm saying -- what I hear is there are two 17 sale categories; one is
selling to the dealer, and one 18 is selling on the market, a private party sale.

19

A So the dealership is part of the market.

25

Q

February 4, 2022

David Smith-X 84

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20

That's part of the fair market value. So --

21

Q Okay. And that's -- and you use that in

22

determining your values, right?

23

A That's a component that we use in determining 24 our values.

Okay. And you also used -- or you relied on

25

Q

February 4, 2022

David Smith-X 85

1

2

what dealers sell comparable vehicles for, you know, arriving at your value.

3

A As a component to our value.

4

Q I understand. All right. So going to 124,

5

did you look at Kelley Blue Book private party value

6

for the Chevy Silverado 3500 Crew cab?

7

A No, sir.

8

Q So -- but you've indicated Kelley Blue Book 9 is a recognized source of information in
your industry, 10 right?

11

A It's a recognized source of information -- 12 Q But you didn't -- Oh,

I'm sorry.

13

A -- in the public. But Kelley Blue Book does

14

not have a subscription-based service for professionals

15

that do automotive appraisals like NADA does because it

16

doesn't carry the same weight as an NADA actual sales 17 reporting database
does.

18

Q All right. So you did not use Kelley Blue

19

Book at all?

20

A No, sir.

21

Q All right. Then let's go to Exhibit 125.

22

Again, I will represent this as a private party Kelley

25

February 4, 2022

David Smith-X 86

1

2

23

Blue Book. Did you -- did you look at the Kelley Blue 24 Book for the
Volkswagen Jetta?

A I did not look at Kelley Blue Book for any of
these vehicles.

Q And so, Mr. White, in his phone message, said 3 he was looking at Kelley Blue
Book, and you didn't 4 bother to follow up on that, right?

5

A No, sir. I never take comparables or values

6

from clients when I'm doing an appraisal for a client. 7 Q But you do
take information regarding the use 8 and condition of the car?

9 A That's why we do a physical inspection of the 10 vehicle.

11

Q All right. So you don't take any information

12

from the --

13

A We will take pertinent information, such as

14

equipment, modifications, just like I did on the 15 adjustments for both the --
the camper as well as for

16

the truck. We'll take into consideration those things.

17

We'll take into consideration invoices for maintenance

18

and oil changes and ownership history. We take into 19 consideration all kinds of
factors.

20

But I cannot let a client, either pro or

25

February 4, 2022

David Smith-X 87

1

2

21 against, the valuation I'm doing try to influence that 22 evaluation by
providing comparables or by providing

23 data -- data set information on values that they found

24 because then those are obviously biased. My job is to provide an unbiased opinion to
the value of the

vehicle.

Q So, in doing that, you don't account for 3 anything that the client says?

4

A Sir, I follow the same process and procedure

5

that I follow on every appraisal I do. That's what

6

makes it consistent. That's what makes it unbiased.

7

Q So tell me a little bit about, if you're 8 able, in this case, how does
NADA value differ from

9

Kelley Blue Book value?

10

A Well, the data is in my appraisals.

11

Q It -- it's what?

12

A The data is in my appraisals. 13 Q And how does that differ from Kelley Blue
14 Book?

15 A Do you have those appraisals as one of your 16 exhibits, sir?

17

THE COURT: He does. He's got -- 18

MR.

SMITH: What number is it?

25

February 4, 2022

David Smith-X 88

1

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19

THE COURT: -- he's got copies of it.

20

MR. SMITH: Exhibit 4? 21 MR. SHIPLEY: It's Exhibit 4 in that
22 book.

23

THE COURT: 4 in the other book. 24

MR. SHIPLEY: On the

right hand.

MR. SMITH: Okay. I want to make sure

I'm in the right book at the right time.

THE COURT: Yep.

3

THE WITNESS: So, for example, on page 7

4

of Exhibit 4, it breaks down the value of the vehicle

5

specifically in NADA or is also known as JD Power.

6

BY MR. BERNABEI:

7

Q And this is a nationwide breakdown, correct?

8

A No, sir. This is Pacific Northwest. This is

9

specific to our area. And you can see it's also VIN 10 specific, meaning it's identifying

this particular

11

vehicle and its VIN number. It's also very specific

12

via mileage. It's not a range. It's an actual 13 mileage.

14

Q And so let's start with the Pacific 15 Northwest. That includes the Seattle

Metropolitan 16 Area?

17

A Oregon -- is what -- when you type in

25

February 4, 2022

David Smith-X 89

1

2

18

"Oregon," it comes up a specific Northwest data set. 19 Q And does the
Pacific Northwest also include

20

Washington?

21

A Yes, sir, it would.

22

Q And northern --

23

A Oregon and Washington would be in that same

24

marketplace.

Q And Northern California?

A No, sir. That would be southern -- that would be the California
segment.

3

Q What area does Pacific Northwest cover under

4

NADA?

5

A Oregon and Washington.

6

Q Okay.

7

A But we enter, specifically we enter Oregon.

8

And it puts you into that category.

9

Q Well, like on page 7, the page you referred 10 us to, the region is Pacific

Northwest.

11

A I understand. My -- what I'm telling you is

12

what we enter in the software is Oregon. And then it 13 picks that region.

25

February 4, 2022

David Smith-X 90

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14 Q All right. And when I look at page 7, and I
15 go down about two-thirds of the way to the -- under the
16 used cars/truck values, the last item there talks about
17 an average, and then a clean and the adjusted value is
18 -- excuse me, \$9,200.

19 A That's under trade-in, yes, sir. 20 Q All right. And the
weekly auction rate, the 21 high was \$9,768, right?

22 A Sir, say that again, please, because I'm not 23 following.

24 Q Sure. On that same page, right about where we were talking, where the
adjusted value was 9,200, if
you go to the weekly auction category -- you see that?

A Yes, sir, I do.

3 Q So the average there is \$7,193; is that
4 right?

5 A For the auction, yes, sir.

6 Q And the high at the auction is \$9,768, right? 7 A After
adjustments, that's correct.

8 Q Yeah, these are adjusted values. And then we 9 have the -- above that the monthly trade-
in. And these
10 are all NADA, right?

25

February 4, 2022

David Smith-X 91

1

2

11 A This is all NADA information, yes, sir. 12 Q All right. So -- so here we've
got the

13 average at \$8,150, right?

14 A Again, that's trade-in.

15 Q I understand.

16 A So that would not be available to a consumer 17 or in a fair market
situation.

18 Q And then you -- you mentioned that -- that
19 it's, you know, important to try to stick within the
20 same, you know, as close as possible to the subject 21 car.

22 A As possible. Yeah, a lot of times it's not
23 possible, especially with a highly sought-after and
24 rare vehicle such as all three of these vehicles, quite honestly. You're going to
have to expand that search outside of the typical marketplace.

Q And when you expand it like that, like North
3 Carolina?

4 A Yeah.

5 Q I mean -- I mean that's where you had to go 6 for a comparable?

25

February 4, 2022

David Smith-X 92

1

2

7 A Yes, sir. Because you're only dealing with 8 what's available on the
marketplace.

9

Q Right. I mean, you know, you can only go on

10

the data you have, right?

11

A That's correct.

12

Q But the farther out you get like that, the 13 less reliable that comparable is.

Would you agree with 14 that?

15

A Not necessarily. I would say it depends on

16

the region of the areas that it's in. For example, if

17

the vehicle was in Pennsylvania, I would not give that

18

vehicle near as much weight because Pennsylvania has a

19

lot more rust in the vehicles, a lot more significant

20

damage to the vehicles that we see typically in those 21 marketplaces.

22

Q So what's the purpose of trying to get as 23 close as possible to the location?

24

A Because market conditions can change, so.

Q Right.

A That's why we try to get as close as possible. And, for example, in one
marketplace --

3

Q Well, hang on. I'll -- I'll give you a 4 question. You'll be able to answer, and
your attorney 5 will, or Ms. White's attorney can follow up.

25

February 4, 2022

David Smith-X 93

1

2

6 All right. So in -- now I want to go to the
7 Chevy Silverado. This is still Exhibit 4. And when I
8 look at -- my page number says 5. But it's -- it's 9 page 5 of the Chevy Silverado

appraisal. 10 A That -- that is the NADA sheet for that 11 vehicle, yes, sir.

12 Q All right. So starting with -- at the same
13 area on the page where we talk about trade-in values,
14 you've got N/A's. There's no --

15 A Data.

16 Q -- comparable data.

17 A That's correct.

18 Q And obviously, as with any opinion, the more
19 relevant data you have, the better the opinion, right?

20 A Depends on the data.

21 Q Well, if it's relevant, don't you want it?

22 A More bad data doesn't make it better data.

23 Q Well, why do you have this on the page, then?

24 A Because it's a component of the appraisal.

Q And so, in that component, there's nothing
that you were able to draw from to base your opinion on, right?

3 A Absolutely not.

25

February 4, 2022

David Smith-X 94

1

2

4

Q Okay. Well, what was the trade-in value that

5

you relied on --

6

A Is somebody trading the car in? Did I 7 misunderstand?

8

Q No. I'm just looking at page 5 of your

9

report. Maybe -- no, maybe I'm not tracking it. But 10 on the other one, there was

some numbers -- you had

11

some values -- earlier, you said you looked at all of

12

these, the NADA report, is, you know, gives you data 13 that you rely on, right?

14

A So the trade-in value is not a component of

15

what we're appraising here. If you look above that --

16

Q Okay. So we'll -- we'll back out trade-in

17

value. And then we have the -- well, on this page, all 18 we have then is the

auction value. We have weekly

19

auction low -- well, this is right in the middle of the

20

page -- you've got a low, average, and high value. Do 21 you see those?

22

A Sir, I don't look at auction either because 23 that's not what we're dealing with.

24

Q So you didn't rely on this information that's in your appraisal to form your
opinion?

A

Sir, if you go about that --

Q

Excuse me. Did you hear the question?

25

February 4, 2022

David Smith-X 95

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3

THE COURT: He heard it, Mr. Bernabei.

4

He was just trying to answer your question. So you got

5

to give them a chance. You've cut him off a couple of

6

times. So let Mr. Smith answer your question.

7

MR. BERNABEI: I'm sorry.

8

THE WITNESS: Sir, if you go above that,

9

it clearly states clean retail value of \$17,550. And

10

if you go above that, it clearly states clean loan

11

value of \$13,325. And if you go above that, then it 12 gives you

actual values, even for trade-in for rough,

13

average, and clean. Above that, for the 14, 13, 11, 9.

14

On this particular vehicle, what we looked at was that

15

\$17,550 of the claimed retail value, and then we made 16 adjustments from there based

on condition. 17

MR. BERNABEI: I'm -- I'm going to move 18 to

strike. It's not responsive.

19

THE COURT: Overruled. He's doing his

20

best. I think the -- I think what, perhaps, is being

21

missed here is this is the sheet that he gets from NADA

22

or JD Power. And it prints everything out because JD

23

Power doesn't know what the person wants the

25

February 4, 2022

David Smith-X 96

1

2

24

information for.

But for his evaluation, he's looking at

fair market value. Fair market value is what you are going to sell this on the market as.

Not trade-in.

3

Not auction. Right?

4

And so he's, although he gets all this

5

data, he's just using that clean loan, clean retail,

6

and then from there trying to do the comparables in the

7

market; and then also adjusting it for our current

8

market fluctuation which vehicles are 20 to 30 percent

9

higher, and I think the 30 percent has been for trucks 10 out there.

11

I say that with experience. I've never

12

made money on selling a used car until I sold my son's

13

recent Ford Explorer Trac. I made more money selling 14 it

three years later than what I purchased it for.

15

And I think that's the -- I think that's

16

where the -- you guys are at odds. You keep asking

17

about that information. It's not information he used.

18

Mr. Smith, correct me if I've got it wrong. This is

25

February 4, 2022

David Smith-X 97

1

2

19

what I interpreted from you. You've just used the 20 clean loan
and clean retail because that's what you
used for fair market value, what you were asked to do.

21

22

MR. SMITH: Yes, sir. I don't even use

23

the clean loan. I use the clean retail and make

24

adjustments back from there. And then, on a particular vehicle
like this, there's also a reason why we have so

many comparables to try to be fair to the average -- to the current marketplace since
NADA and any of these

3

databases are months behind because they're waiting to

4

collect that data from the dealerships, or from the

5

services.

6

BY MR. BERNABEI:

7

Q Okay. Thank you. My point is the clean

8

retail -- if you're not even using clean loan, the only

9

item on this page that you're using is clean retail,

10

right?

11

A That's correct. And then we'll make 12 adjustments backwards from
there.

25

February 4, 2022

David Smith-X 98

1

2

13 Q Okay. But before you start with your 14 adjustments, clean retail means what
-- what a vehicle

15 is sold -- it includes by a dealer, correct?

16 A Not necessarily.

17 Q Well, in this case, it does. You've got some

18 comparables on page 6 that are all from dealers. 19 A That's because

that's where vehicles are

20 available.

21 Q Okay.

22 A We don't -- we don't exclude private party

23 sales. We don't search out only dealership listings.

24 We don't just search out the highest prices we can find. We look for the most
comparable vehicles in the marketplace.

Q And those happened to be all dealer sales. 3 A That's just because of what the
vehicles are, 4 yes, sir.

5 Q All right. And so your opinion of the value 6 for the -- for the crew cab is based upon the
clean 7 retail item in here in -- on page 5, and then you made 8 adjustments.

9 A No, sir. Let me -- can I clarify what that

10 value's based on?

25

February 4, 2022

David Smith-X 99

1

2

11 Q In a moment. So is your opinion -- in 12 forming your opinion, did you rely on
the clean retail

13 value on page 5?

14 A It is a component of the valuation. 15 Q All right. I understand. So you did
rely on

16 it.

17 A It is one component out of many on the 18 evaluation.

19 Q All right. And "clean retail" essentially
20 means it's -- the vehicle's operable and in good 21 condition. Is that what
clean means?

22 A It's operable, clean, and ready for the
23 marketplace in a clean retail situation.

24 Q And this vehicle that you actually inspected, you -- you mentioned had some
blower -- blower issue?

25

February 4, 2022

David Smith-X 100

1 A

2

It had numerous issues. And that's why we
put an adjustment on there that we did.

3

Q Did you decrease your -- the adjustment that

4

you just mentioned -- did you decrease the value to 5 a -- based upon the
anticipated repair costs of the 6 blower?

7

A No, sir. Because that's not how price is

8

impacted.

9

Q What was the decrease you gave?

10

A We put a \$2,500 deduction on that particular

11

vehicle.

12

Q So are you aware of how much a blower

13

replacement costs?

14

A Yes, sir.

15

Q Is it \$5,000?

16

A It depends where you have the estimate from.

17

It depends what they're doing. It depends on who's 18 doing the work.

19

Q So a dealer could do it at cost, right?

20

A A dealer or a consumer or a, you know, a

21

garage shop down the street. They all have different

25

February 4, 2022

David Smith-X 101

1

A

2

22

labor rates. They all charge different prices. And an 23 educated buyer -- an

informed buyer is going to make

24 the best decision for themselves. Some people look for bargains just for that reason so they

can save the

money. Some people don't. Some people don't want to hassle with it.

3

So that's why we put in an adjustment on the

4

value of the vehicle not deducting every itemized cost,

5

just like we wouldn't add every itemized cost to a

6

vehicle for accessories or add-ons, for example.

7

Q Okay.

8

A So for -- if we're adding winches or hitches

9

and those types of things, we don't add the full cost

10

of those. We add what the impact to the market value

11

is.

12

Q All right. Well, we're not talking about 13 that. But let's go

back to the adjustment for the

14

blower on the Chevy Silverado. You -- you deducted

15

\$2,500 as an adjustment because the blower needed 16 fixed. Right?

25

February 4, 2022

David Smith-X 102

1 A

2

17 A No, sir. I adjusted it \$2,500 because the 18 vehicle's current condition,

including the blower, but 19 also including cosmetic issues on the vehicle. 20 Q Oh,

okay. So -- so -- of that, how much is

21 attributable to the blower?

22 A I adjusted \$2,500 off the price of the 23 vehicle.

24 Q I understand. How much of that is
attributable to the blower?

It was not -- I did not assign a percentage to the blower or a percentage to the paint or
3 percentage to this. I adjusted the entire value of the

4 vehicle based on what the vehicle needed. 5 Q So you're not able
to tell me what the 6 adjustment is for the blower alone?

7 A That's not how we appraise vehicles.

8 Q Okay. All right. You mentioned you don't
9 include the value of the add-ons to the vehicle, like
10 the hitch and other things you are talking about; is 11 that right?

12 A Aftermarket equipment. So if the vehicle had
13 a hitch from the factory, that's built into the system.

14 But if the owner added a front basket or a front hitch,
15 like in this particular vehicle, we didn't add for
16 those things either. Those are taken into

25

February 4, 2022

David Smith-X 103

1 A

2

17 consideration in the overall adjustment of the vehicle.

18 Q And is that because they are used add-ons?

19 A It's because they're a component of the

20 vehicle. So they'll have attraction to some buyers. 21 They won't have

attraction to others. They'll be a

22 detriment to some buyers. They'll be a -- they won't

23 be a detriment to others. It depends on -- see, you

24 have to look at the market as an average as well, not just those particular items.

Q All right.

A Somebody may not like the style of wheels 3 that you have on your car
that you spent \$3,000 for, so 4 you don't get a \$3,000 adjustment for them.

5 Q Okay. So let's go to -- now we're going to 6 go to the Arctic Fox. And I noticed
you based this as

7 average condition; is that right?

8 A Yes, sir. That's not because -- this

9 particular JD Power does not take into -- this is

10 considered on the base value of the vehicle. It's not 11 near as reliable as

comparables on this type of

12 vehicle. So that's why we have the comparables broken 13 down as much as we do on this
particular vehicle.

25

February 4, 2022

David Smith-X 104

1 A

2

14 Q All right. So let's start on page 4. You
15 got the base price. These are list prices that a
16 dealer would be selling for, correct?

17 A Well, the suggested list price is.

18 Q Yep. But this is dealer numbers?

19 A Well, they act -- well, not necessarily. The
20 average retail would be what's being for sale. The low
21 would be the low. And then the suggested list price 22 would be the high.

23 Q All right. Do you -- once again, here did
24 you -- did you rely primarily on dealer or comparables from dealers rather than
private parties?

No. It looks like there's quite a few
private parties in here too.

3 Q This is -- this is a seven-page or -- or
4 eight-page report? Is that right?

5 A That's what it says is eight pages, yes, sir.

6 Q All right. Starting with the last. 7 Broodmoor -- Broadmoor RV
SuperStore. 8 A Yes, sir. That's -- that would be a
9 dealership.

10 Q Page 7?

25

February 4, 2022

David Smith-X 105

1

A

2

11

A Yep. 8. That was page 8.

12

Q Right. And so, page 7, D. H. Truck Camper

13

Emporium, that's a dealer?

14

A Yes, sir.

15

Q Page 6. This is the North Carolina one? And

16

this is a private seller, right?

17

A That's correct.

18

Q All right. So -- and so you use pictures. I

19

take it you didn't go to North Carolina?

20

A No, sir. I look at the listings.

21

Q At least for the charge for this case, right?

22

And then page 5, Gig Harbor.

23

A Yes, sir.

24

Q So let me ask you about Gig Harbor. That's

-- that's in Northern Washington, right?

A Yes, sir.

Q And --

3

MR. SHIPLEY: Your Honor, for the

4

record, Gig Harbor is on the Olympic Peninsula, not

5

Northern Washington.

25

February 4, 2022

David Smith-X 106

1 A

2

6 MR. SMITH: It's still Northern

7 Washington.

8 MR. SHIPLEY: It's south of Seattle. 9 THE

COURT: It's certainly if you were

10 to find the middle and go north, it's north of the 11 middle of Washington. It's a four-plus,
about a five-

12 hour drive, long day.

13 BY MR. BERNABEI:

14 Q Are you aware of what the parties paid for
15 the camper?

16 A No, sir.

17 Q Do you know when they purchased it?

18 A No, sir.

19 Q Do you know how they purchased it?

20 A No, sir.

21 Q Do you know whether they purchased it new or
22 used?

23 A No, sir.

24 Q So here you mentioned that there was not a lot of JD Power data for
the camper. Is that -- did I

25

February 4, 2022

David Smith-X 107

1

2

understand your right?

A That's correct. And that's pretty typical

3

when we're dealing with campers and RVs and motorhomes.

4

Q All right. And so you had to go around to

5

these various spots that are identified on pages 5

6

through 8?

7

A Yes, sir.

8

Q So tell me, what happens when -- if somebody

9

buys a vehicle like this, brand-new, off the lot, is there immediate depreciation in

value?

11 A Depends on the rule of economics, supply and demand.

13

Q Well, what about in -- if this -- what about

14

here where we are talking about a -- as you -- let me

15

back up a second. Page 5, the Gig Harbor.

16

This -- this is not a sale, is it?

17

A This is a -- this is a for sale as comparable

18

vehicle for sale.

19

Q Did you follow up to see if it was sold?

20

A No, sir.

25

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David Smith-X 108

1

2

21 Q So this is somebody's wish list on what they 22 want to sell the camper
for?

23 A No. The assumption is that's a fair and
24 equitable sale that somebody's making. That's why they have it listed for sale.

Q Were you here when the Judge said, you know, most people think their stuff is
worth a lot more than 3 it actually is?

4 MR. SHIPLEY: Objection, it's not a
5 question.

6 MR. BERNABEI: Yeah, it is.

7 MR. SHIPLEY: It's argumentative.

8 THE COURT: It's a fair question.

9 MR. BERNABEI: Were you here?

10 THE WITNESS: So if I was looking at a
11 comparable on the market --

12 MR. BERNABEI: Were you here?

13 THE COURT: Here's the -- go ahead, Mr.

14 Smith. He was here. And then, Mr. Smith, go ahead and
15 answer --

16 THE WITNESS: If -- If I was looking at

25

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17

a comparable vehicle on the marketplace, and somebody

18

had a "wish list," as you put it, then I would see an

19

outlier for what they were asking for that vehicle. I

20

wouldn't see four consistent price points for the same

21

property to render that one being a wish list.

22

BY MR. BERNABEI:

23

Q So it's consistent with the dealer's price?

24

A So I believe out of these four listings, two were dealers,
and two were private parties.

Q And this is consistent with the dealer price, right?

3

A Or the private parties price. It depends on 4 what perspective you want to
take.

5

Q Well, okay, so -- so both dealers' listings

6

are similar to the private seller listings, right?

7

A Exactly.

8

Q Okay.

9

THE COURT: One's quite a bit more

10

but --

11

THE WITNESS: It's also a larger version 12 of the camper.

13 MR. BERNABEI: Thank you, sir. That's 14 all I have.

25

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15

THE COURT: I do have one before I turn

16

you back over. In your comparables on the -- a camper

17

because I appreciate when it comes to vehicles -- JD

18

Power or NADA, depending on what you want to call 19 it -- that

information is on actual sales, correct?

20

THE WITNESS: That's correct.

21

THE COURT: And the camper, it's a fair

22

question that these are what the asking prices are, and

23

sometimes asking prices are obviously different than

24

what the sale price is because the way campers, particularly,

work is there's going to be some

25

February 4, 2022

David Smith 111

1

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negotiation as to purchase price, right?

THE WITNESS: Typically.

3

THE COURT: 20,699 is the high, right,

4

that they've said that if you want to pay that, it's

5

yours. That's the way contract law works. But you 6 could
certainly go in and negotiate and say I would pay 7 you 24.
Would you take 24?

8

THE WITNESS: You could try.

9

THE COURT: Sure. That's what I'm

10

saying.

11

THE WITNESS: And it all depends on the

12

market at the time of when you're trying to buy

13

something.

14

THE COURT: Right. But you agree that

15

those prices that are in your comparables are, for

16

sure, unless you pay this, then I would --

17

THE WITNESS: Both done deals, like buy 18 now price.

19

THE COURT: But they could also have 20 took in less for these.

21

THE WITNESS: Do you think it -- 22

THE

COURT: Do you factor? So my

23

question for you is in regards to the camper: Is that

25

February 4, 2022

David Smith 112

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24 factored into your valuation that these comparables that you're using are asking prices
and not necessarily
sale prices?

THE WITNESS: Yes, it is. 3

THE COURT:

Okay. And how is that 4 factored in?

5

THE WITNESS: So it's -- it's mainly

6

factored in by condition and availability. So if I'm

7

seeing a lot of something available, that's going to 8 impact that
price point more.

9

THE COURT: Higher or lower?

10

THE WITNESS: It's going to impact it

11

lower.

12

THE COURT: Okay.

13

THE WITNESS: Because there's more

14

options for the prospective buyer. When you're talking

15

-- so -- out of that, when we're talking

16

about --recreational vehicles, RVs, motorhomes,

17

trailers, campers -- the hardest one to find is camper.

18

They produce less of those than they do any of the 19 other vehicles. So that

marketplace is already tighter

20

than the other three put together.

25

February 4, 2022

David Smith 113

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21

So we look at that. We look at

22

condition. The number one issue with any RV is water

23

damage. That's why we made such a significant

24

adjustment on this one for the roof because we did have some
moisture leaking -- leaking in to the vehicle. So

we made that adjustment accordingly. So we look at all of those things. He also has a lot
of additional 3 equipment that we also take into consideration on his 4 particular camper.

5

THE COURT: Okay. Mr. Bernabei, any

6

questions based on that question that I asked.

7

REDIRECT EXAMINATION

8

BY MR. BERNABEI:

9

Q Were you able to determine whether the

10

comparables had any water damage?

11

A None of the comparables listed water damage.

12

Because had they listed the water damage, the price 13
point would have been lower than would've -- than 14
would've -- I wouldn't have taken an adjustment for 15
those comparables.

16

Q Well, this doesn't --there's nothing listed 17 at all on any of these. Was there
something else you 18 were looking at?

25

February 4, 2022

David Smith 114

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19

A These are the listings that are on the online

20

resource for these. So when you print it out, this is

21

what it prints for you. As you can see, there's 22 numerous photos attached to

each and every one, too. I

23

didn't print each and every one of those out either.

24

Q So -- so on -- on the online listing,

there's -- there's additional information about these?

25

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2

David Smith-ReX

A Sometimes there's a paragraph or two. I -- I can't control what fields will
print from --

3

Q No.

4

A -- the system and which ones won't.

5

Q I understand, but on these -- these comps 6 that you use, there -- there was
additional information 7 listed.

8

A Sir, I ran this report back in November. I

9

can't speak to what it was or not.

10

Q Okay.

11

MR. BERNABEI: Nothing further. Thank

12

you.

13

THE COURT: Mr. --

14

RE CROSS-EXAMINATION

15

BY MR. SHIPLEY:

16

Q Mr. Smith, is how the Whites purchased the

17

camper or any person who purchased a -- a vehicle, is

18

that relevant to when you're appraising the value --

19

the present value, the present market value of a -- of

20

an item.

21

A No, sir.

25

February 4, 2022

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22

Q Okay. And I -- and I noticed that you do --

23

you have four comparables. Is that because those were

24

the only comparables you could find, or that's just you picked 4 out of 100 or something like that?

David Smith-ReX

A I try to find as many as I can. I like to -- that way, I can try to narrow it down. On this

3

one, that -- I believe that's all I could find going

4

off the best of my memory. Otherwise, we would have

5

those printed up separately. But because of what it is, it's rare. It's hard to find these.

7

And I personally know people that have

8

purchased campers for their vehicles. And it's a six-

9

month ordering process. You don't get a discount on

10

them because they just don't produce near as many of

11

them as they do the other vehicles. You don't see

12

these sitting around Curtis RV or Camping World because they just don't produce them in the same numbers.

14

Q So, based upon your knowledge of the industry

15

and the market, is it your testimony then that campers

25

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16

such as this are a very rare find?

17

A Everything right now is a rare find. 18

MR. SHIPLEY:

No more questions, Your

19

Honor.

20

THE COURT: You may step down.

21

THE WITNESS: Thank you, sir. 22

THE

COURT: Any objection to the witness

23

being excused?

24

MR. BERNABEI: No, Your Honor.

THE COURT: Mr. Shipley, any objection
to the witness being excused?

MR. SHIPLEY: Oh, no, Your Honor.

3

THE COURT: You're excused.

4

THE WITNESS: Thank you, sir. 5 THE COURT: You may call
your next 6 witness.

7

MR. SHIPLEY: I believe this is yours? 8 I think Mr. Bernabei's --

9

THE COURT: All right, yep, yep. Yeah.

10

MR. BERNABEI: Yes. It's okay.

11

MR. SHIPLEY: Yeah.

12

THE COURT: You all right?

13

THE WITNESS: Yep, yep.

25

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14

MR. BERNABEI: Watch that step. 15 THE WITNESS: I know.

That's -- that's 16 (indiscernible).

17

MR. SHIPLEY: Your Honor, we're going to

18

take Mr. Bernabei's witness out of order.

19

THE COURT: That's fine.

20

Okay. Mr. Bernabei, you may call your

21

witness.

22

MR. BERNABEI: I'm going to give her a

23

call, and then she's going to log in.

24

THE COURT: Okay.

MR. BERNABEI: It's going to be by

Webex.

THE COURT: All right.

3

MR. BERNABEI: Give me one moment.

4

THE COURT: Okay.

5

(Court attempts to connect via Webex at 11:04

6

a.m.)

7

(Court and attorney converse.) 8

THE

COURT: And what's the witness's 9 name?

10

MR. BERNABEI: Christine Knutson, 11 K-N-U-T-S-O-N.

12

(Court attempts to connect via Webex from

25

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13

11:05 a.m. to 11:14 a.m.)

14

MR. SHIPLEY: Judge, can I ask a

15

question, like, on the personal property? Is that

16

something like we'll hand you our list, they'll hand

17

you their list, and then you'll --

18

THE COURT: Correct.

19

MR. SHIPLEY: -- so I don't share my list

20

with --

21

THE COURT: Nope.

22

MR. SHIPLEY: All right.

23

THE COURT: We'll -- we'll come up with

24

-- I mean, you guys are going to share blank lists.

And then, we'll vote -- the items that are disputed,

right, that -- I'll let you know if those should be included on that list or not on that,

right, on that 3 list. But that list is going to be the same for both 4 you guys.

5

THE COURT: And then, they're going to

6

go through and list down there what -- what they

7

would -- what they're going to pay for that property. 8 And if

they win the auction, right, that's what they're

9

going to pay to the other side for that property.

25

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10

MR. SHIPLEY: Okay.

11

THE COURT: And so you guys are going to

12

send it to the Court, and I'm going to take that

13

information and let you guys know what the equalizing

14

value is based on that property, who gets this

15

property, and what that equalization value would be. 16

MR. SHIPLEY: So this is something we'd 17 submit to you after
the fact?

18

THE COURT: Correct. It looks like

19

we're going to have to have another hearing anyways, 20 but.

21

THE RESPONDENT: Can I ask a question?

22

THE COURT: Ask Mr. Bernabei first.

23

THE RESPONDENT: Okay.

24

THE COURT: And then, if you still think

it's appropriate, you can ask that question.

THE RESPONDENT: Okay.

(Court attempts to connect via Webex from

3

11:15 a.m. to 11:24 a.m.)

4

THE COURT: What is she going to be 5 testifying to?

6

MR. BERNABEI: She's a CPA. She would

25

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7

be testifying to a reasonable rate of return on the --

8

THE COURT: The IRA?

9

MR. BERNABEI: -- the home sale proceeds.

10

Or -- or the equity that it's not a sale, but Ms.

11

White's equity in the home. And we've calculated about

12

half of the retirement -- the two IRAs, putting those

13

in wife's side based upon those assumptions with the 14 rate of
return would likely be.

15

(Court attempts to connect via Webex from

16

11:24 a.m. to 11:26 a.m.)

17

THE COURT: What I'd do -- once we get

18

done with Ms. Knutson -- what I would also like to do

19

is put on evidence regarding the items that Mr. White

20

believes Ms. White has, for the Court to make a

21

consideration because we're certainly going to have

22

to -- is that we're not going to have enough time to 23 get

everything done. So we're going to have to set a 24 second
hearing.

And my hope is, in the interim, we've

25

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got the list of the personal items, and your clients will get that done. And then they'll just
turn it into 3 the Court at our next hearing. So I want to get those

4 other pieces of property that your client believes that

5 she has that she has indicated she doesn't have,

6 whether or not those should be included.

7 MR. BERNABEI: All right. You know, it

8 looks like both parties have their separate lists, and

9 it -- in their -- and I haven't compared the Exhibit of 10 petitioner --

11

MR. SHIPLEY: Well, if we're going to --

12

I mean, I guess if -- if we're not going to get to the 13 today.

14

THE COURT: Well, hopefully, we do.

15

MR. SHIPLEY: Okay.

16

THE COURT: Yeah.

17

MR. SHIPLEY: But in 30 minutes, but I

18

guess -- I mean, we can always -- Vince and I can

19

exchange emails --

20

THE COURT: Well --

21

MR. SHIPLEY: -- just on the list. 22

THE

COURT: -- give me an idea from your

23

client's perspective. What items does he believe Ms.

25

February 4, 2022

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24 White has that are not on the agreed-upon list?

MR. BERNABEI: Then the --

THE COURT: That the Court needs to make
a factual finding of whether she does or doesn't have, 3 or whether she did or didn't
take them would be a 4 better way to say it.

5

MR. BERNABEI: All right. So -- so

6

you're asking what items -- what items were not on the

7

wife's list?

8

THE COURT: Yeah. There was an

9

indication in your memo about your client believing

10

there were certain items that were taken by Ms. White

11

when she left that may not be on that list. I assume

12

your client's list has more items or at least some 13 different

items than Ms. White's list.

14

MR. BERNABEI: I -- I haven't really --

15

the COURT: That's why I'm trying to

16

figure out this because your client had -- the

17

suggestion in the trial memo was those items should be 18 given

some value, and your client should get an offset

19

for those items.

25

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20

MR. BERNABEL: Right.

21

THE COURT: And that's what I'm trying

22

to figure out what those items are, whereas Mr.

23

Shipley's memo indicated his client doesn't believe

24

there was any other items that's not on the list that she took.

And, therefore, there shouldn't be any

offset because there's just -- those items, they either don't exist or didn't -- weren't taken
by her. Does

3

that make sense?

4

MR. BERNABEL: It does.

5

THE COURT: Okay.

6

MR. BERNABEL: I think I'm following,

7

Your Honor. So -- and I haven't -- I have not compared

8

Petitioner's Exhibit 25, which is their list, with our

9

Exhibit 111, which is our list. But --

10

THE COURT: So let's go to page -- go

11

ahead. Sorry. I didn't mean to cut you off.

12

MR. BERNABEL: On the last page of our

13

exhibit in red are, you know, things that are missing

14

from the home. And --

25

February 4, 2022

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15

THE COURT: And which exhibit are you 16 looking at?

17 MR. BERNABEL: This is Exhibit 111 in 18 respondent's binder.

19

THE COURT: Okay. All right. So, like,

20

and I want to make sure I've got the -- like the -- if

21

it's in red, that's the, like -- towels, dishes -- is

22

that what we're talking about? Or is it --

23

MR. SHIPLEY: The left --

24

THE COURT: -- the last page.

MR. SHIPLEY: -- left-hand side.

MR. BERNABEL: Yeah, if you go to last

page of -- the legend is on the last page. But --

3

THE COURT: Gotcha.

4

MR. BERNABEL: There is blue -- 5

THE

COURT: Front room marble coffee

6

table, two bedside tables. Is that what we're talking

7

about, that red?

8

MR. BERNABEL: Um-hum. Yes.

9

THE COURT: The reason why I say this is

10

because in the bottom legend there, it said, it sort of

11

suggested that it was in red. And there was a couple,

25

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12

like, houseplants I've had on other pages, and dishes, 13 towels

on the first page wrote in red. So I -- the 14 suggestion I have in

looking at that was those are the

15

items he believes she took with her.

16

MR. BERNABEI: Yes.

17

THE COURT: Okay. So here's what I

18

think will work then because I don't know if we're

19

going to have enough time to get to it today. Take the

20

most exhaustive list that you guys have, right, and I

21

believe this is it. You guys value all those different

22

items. And then, we'll hear testimony as to whether 23 those are

items that were or were not taken at the time

24 that his wife left the home.

MR. BERNABEI: Right.

THE COURT: And therefore, whether they

should or shouldn't be part of the valuation process.

3

But we go ahead and have them bid on them at this point

4

in time, and the Court can make a finding of whether or

5

not that's property that should be included at a later 6 time.

7

(Court attempts to connect via Webex from

25

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8 11:31 a.m. to 11:32 a.m.)

9 THE COURT: All right. So we have Ms. 10 Knutson on the telephone.

11 Ms. Knutson, can you hear me? This is 12 Judge Bailey.

13 MS. KNUTSON: Yes, I -- yes, I can hear
14 you.

15 THE COURT: Okay.

16 CHRISTINE KNUTSON

17 called as a witness for the Respondent, having been duly
18 sworn, testified as follows:

19 THE COURT: Thank you for hanging out
20 with us. The first person that's going to ask you some
21 questions is Mr. Bernabei. And if you can't hear us,
22 let us know. I may have to really have them move a 23 little
closer. Okay.

24 THE WITNESS: Yes, thank you.

THE COURT: All right. To Bernabei,

25

February 4, 2022

Christine Knutson-D 128

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make it quick.

MR. BERNABEI: Thank you.

3

DIRECT EXAMINATION

4

BY MR. BERNABEI:

5

Q Good morning, Ms. Knutson. What is your

6

occupation?

7

A I am a -- C -- a Certified Public

8

Accountant --

9

Q And --

10

A Tax Practitioner.

11

Q And how long have you been a CPA and tax

12

practitioner?

13

A Since 1990.

14

Q All right. If you can, take us a

15

little -- take us through your -- your educational 16

background and your work history. Let's start with 17

your education.

18

A I received my BA in -- in administration with

19

a concentration in accounting from California State

20

University in Fullerton. I received that in 1984. I

25

February 4, 2022

Christine Knutson-D 129

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21

worked for a CPA for a number of years and prepared

22

taxes. And then I worked for a medium-sized firm as a

23

tax -- mostly preparing taxes but also working on 24 accounting for 11 years in

Irvine, California.

I've been, in 2001, moved to Northern

California and worked for a firm in Walnut Creek as a tax -- tax manager for four years.

And then I went out 3 on my own, with a small partnership, a small tax

4

practice in Napa, California, and I worked there for 15

5

years. In April of 2021 -- actually, in January of 6 2021, we sold that practice.

7

And I wrapped up some work until April 2021,

8

and then I was traveling for a while. And I'm

9

presently working for R.L. Hug, CPA, in Tigard, Oregon.

10

Q All right. And are you -- are you working as 11 a CPA for the R.

Hug office?

12

A Yes, I am. I still -- I have my California

13

CPA license, and I have an application that I've

14

submitted to the Oregon Department of Accountancy. And

15

that -- that is pending, but I expect that to be

16

accepted within 60 days.

17

Q Okay. Why don't you tell the Judge what you

25

February 4, 2022

Christine Knutson-D 130

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18

were asked to do in preparation for your testimony 19 today?

20

A I was asked to look over Dave White's

21

worksheets and -- I am the principal here at the at the

22

accounting firm -- with that had -- had talked to Dave,

23

and we made some minor changes to his sheet. And

24

but -- and so I was asked then to just indicate on the sheet that -- that the
numbers were all provided by

Dave White and that we would be available for further tax planning.

3

And I made some minor mass corrections. And

4

then I was asked further to prepare some schedules to

5

determine what amounts of withdrawals Julie 6 Right -- White could
take based on four assumptions.

7

Q All right.

8

A The first assumption was that the rate of

9

return would be 4 percent on -- on invested value of

10

350,000. And that the distributions or withdrawals

11

from that investment would be over 25 years. And then 12 the second part of
that would be assuming a rate of 13 return of again at 4 percent, the
withdrawals would be

14

at 30 years, over 30 years.

25

February 4, 2022

Christine Knutson-D 131

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15

Q All right.

16

A And so I did that. And then the second or

17

third scenario would be that the annual yield was 10

18

percent and that the withdrawals would be over 25 years

19

and then also over 30 years, the purpose being to

20

determine what amount -- what the maximum amount could

21

be to -- for Julie Right -- Julie White to take monthly

22

withdrawals and not deplete the accounts before 25 or

23

30 years respectively. And -- but to pay down the 24 entire amount as to the

end of the 25 or 30 years.

Q

All right. So let's start with your

calculations. Do you have your -- your --

MR. SHIPLEY: Your Honor, I object to

3 these -- the -- the witness has not been called out as 4 an expert except as a CPA. But we're

talking about

5

investment returns at this point and projections based

6

on that. If we want to -- the reason I was going to

7

say that these are just hypothetical assumptions

8

and -- and this witness will testify to what these

9

projections will be, that's fine. Again, we don't have

25

February 4, 2022

Christine Knutson-D 132

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10 any evidence that this witness is an expert in what 11 investment returns would be.

12

THE COURT: So, Ms. Knutson, in your 30

13

years, 30-plus years of experience, is part of your

14

sort of day-to-day actions -- including doing the

15

accounting that you do -- making such or similar

16

projections on investments?

17

THE WITNESS: No, sir.

18

THE COURT: So what qualifies you to

19

have done it in this case?

20

THE WITNESS: I was not asked

21

to -- I'm -- I'm not trying to say that the 4 percent

22

or the 10 percent would be the reality and that they

23

are expected returns. I was just asked to determine

24

these amounts based on the assumption that an annual yield

would be 10 percent or 4 percent.

THE COURT: I guess we --

THE WITNESS: The -- at first, I did

3

actually run the projection assuming that the annual

4

yield would be 4 percent and then 10 percent, but the

5

client would -- I mean Julie White -- would only take a

25

February 4, 2022

Christine Knutson-D 133

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6 4 percent draw during the --

7 THE COURT: Here's my question -- 8 THE WITNESS: -- the remainder of her 9 life.

10 THE COURT: Here's my question, Ms.

11 Knutson. Here's my concern, Ms. Knutson, is typically

12 accountants are looking backwards and taking a look at

13 the former year or the former time period, correct?

14 THE WITNESS: Correct.

15 THE COURT: And you are doing a forecast

16 that maybe a financial advisor would do. Do you agree 17 with
me on that?

18 THE WITNESS: No, sir. I am not doing a

19 forecast. I'm just -- I'm just calculating the numbers

20 and a schedule of what would happen if those

21 assumptions were true.

22 THE COURT: Well, what would happen if

23 the \$285,000 was used to purchase a home? But what

24 happened to the yield over a 30-year period of time, at

10 percent or 4 percent? If the 285,000 was used

tomorrow to purchase a home.

THE WITNESS: Well, of course,

25

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Christine Knutson-D 134

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2
3 the -- the entire projections would have to be redone.

4 They -- I don't know Ms. White's history or her

5 intentions, or her health. There are many things that

6 can affect us. But I was asked if she was -- just

7 based on the assumption that she has this amount of

8 money -- in the -- invested now. And these two

9 different yields occurred, then what -- how long could

10 her money last? I mean, I'm sorry, what would the 11 maximum monthly withdrawal be

for the money to last 25 12 or 30 years?

13 THE COURT: I guess I'm trying to figure

14 out what are your qualifications -- of what a CPA 15 typically

would have as qualifications that makes you 16 qualified to

make future projections.

17 THE WITNESS: Again, I'm not making any

18 future projections.

19 THE COURT: Sure you are.

20 THE WITNESS: I was --

21 THE COURT: Sure you are. You're

22 saying, here's the yield, and if this is the amount of

23 money that's in here and over 25 to 30-year period of
25

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Christine Knutson-D 135

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24

time, this is the estimated yield that would be produced on that money. How much could she take out every month? That's a -- you agree with me. You don't know if that's going to happen in the future. 3 Inflation could go up. A lot of different things could

4

happen.

5

THE WITNESS: Correct.

6

THE COURT: Right. So --

7

THE WITNESS: And --

8

THE COURT: I'm just trying to figure

9

out, as an accountant, what makes you qualified to make 10 those kinds of projections.

Does that make sense?

11

What -- as in, because you're an accountant, they want

12

you to certify as an expert. And I'm trying to figure

13

out what is it about you as a CPA that makes you 14 qualified to give these figures to the

Court. 15 THE WITNESS: I'm sorry. Who is 16 speaking right now?

17

THE COURT: This is Judge Bailey.

18

THE WITNESS: Oh, thank you, sir.

19

The -- as a CPA, I'm not a qualified expert on this.

20

THE COURT: Okay.

25

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Christine Knutson-D 136

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21

THE WITNESS: I --

22

THE COURT: Objection sustained. Hold

23

on. There was just an objection. The Court had to

24

make a ruling on the objection. So the objection is sustained as far as if there's going to be any qualification of her being an expert. If you want this to be just demonstrative information, no different than

3

an exhibit being received by the Court for

4

demonstrative purposes, I'll allow her to continue to 5 testify about that for

demonstrative purposes.

6

MR. BERNABEI: Well, Your Honor, my

7

question was, you know, let's turn to the schedule she

8

prepared. I'm going to --

9

THE COURT: Yep.

10

MR. BERNABEI: I will ask her to

11

identify them. I am going to ask her to make some

12

assumptions which will fill in the blanks later, but

13

you know her -- her testimony will be based on some 14

assumptions.

15

THE COURT: Okay. And that's all fine,

25

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Christine Knutson-D 137

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16

and I get it, but it's not going to be considered

17

expert testimony going to be my point. She's not an 18 expert

in this field to make the sort of numbers.

19

Okay. Don't get me wrong. She's, I'm sure, a much

20

better mathematician than I could ever be as I told you

21

guys earlier; that's why I became a lawyer, but

22

I -- the Court will accept that information for 23 demonstrative purposes and not as an
expert opinion. 24 BY MR. BERNABEI:

Q

All right. So with that, Ms. Knutson, I'm

going to kind of go through this in summary fashion.

You prepared four schedules; is that correct?

3

A That's correct.

4

Q And what are the -- what are the criteria as

5

far as the amount that is being invested in each

6

schedule?

7

A The amount being invested is 350,000 based on

8

the assumption of \$250,000 in -- in the cash bank 9 account and a 100 -- \$100,000 from

the IRA for a total 10 of 350,000. Was that your question?

11

Q

I think so, yes. So let me -- let me direct

25

February 4, 2022

Christine Knutson-D 138

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12

your attention -- in your capacity as a CPA, do you 13 assist clients in their
retirement investment planning?

14

A I'm sorry. What was that?

15

Q In your capacity as a CPA, do you assist 16 clients in their retirement
and investments?

17

MR. SHIPLEY: Your Honor, we object.

18

THE COURT: Hold on. 19 MR. SHIPLEY: I mean, the
Court's

20

already ruled on this.

21

THE COURT: No.

22

MR. SHIPLEY: Yes, you have.

23

THE COURT: Let her answer the question.

24

MR. SHIPLEY: Okay. All right.

THE COURT: All right. You may answer
that question, Ms. Knutson.

3

yes.

4

MR. BERNABEI: All right.

5

THE WITNESS: It's not a major part of

6

-- of my practice.

25

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Christine Knutson-D 139

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7 BY MR. BERNABEI:

8 Q I understand. One of the criteria we've

9 asked -- you mentioned it earlier. The 4 percent 10 annual rate of return, but you also

called it "annual

11 yield." Is that the same thing?

12 A Yes.

13 Q And based upon your professional involvement

14 with clients and assisting with retirement investments,

15 do you have an opinion on whether 4 percent is a

16 reasonable rate of return to be expected on an

17 investment?

18 MR. SHIPLEY: Objection. That's calling

19 for financial opinion. She's not an expert.

20 THE COURT: Sustained. She's indicated

21 it's not a part of her primary practice. She cannot

22 render an opinion as an expert.

23 BY MR. BERNABEI:

24 Q All right. We asked you to assume a four percent rate

of return; is that correct?

A That's correct.

25

February 4, 2022

Christine Knutson-D 140

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Q And if -- let's start with just if it was

3 interest only, so if the principal amount is never 4 touched, how much would that
generate per month? How

5 much income?

6 A If it was never touched?

7 Q If the principal was never invaded? 8 A It would be \$1,200 per month, 4
percent of 9 350,000.

10 Q All right. And if it's 10 percent, it would

11 be 35,000 a year.

12 A Yes.

13 Q All right. So let's assume that Ms. Julie

14 White's life expectancy is another 25 years. Based on

15 that and based upon a 4 percent rate of return on a

16 \$350,000 investment, how much could Julie White

17 withdraw for the duration of her expected life? 18 A So let me

repeat that. The 10 percent rate

19 of return?

20 Q Let's go with the 4 percent first.

21 A All right. The 4 percent rate of return.

22 Q Twenty-five years. Payments --

25

February 4, 2022

Christine Knutson-D 141

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23

A And --

24

Q Payments -- payments on a monthly basis.

A The maximum would be \$1,847 per month.

Q And would that continue for the 25-year period?

3

A Yes, it would.

4

Q All right. And these are -- and then let's 5 go to page 2 of your
schedule.

6

MR. BERNABEI: I tell you -- I guess

7

I'll move to admit these -- at least for demonstrative

8

purposes.

9

THE COURT: Any objection?

10

MR. SHIPLEY: No objections.

11

MR. BERNABEI: All right. And just so

12

I'm clear, Your Honor, I'm actually offering them for

13

normal purposes, but I understand your ruling.

14

THE COURT: Correct.

15

BY MR. BERNABEI:

16

Q All right. So let's go to the next item, or

17

the next schedule is a 4 percent rate of return over a

18

30-year withdrawal period. Correct?

25

February 4, 2022

Christine Knutson-D 142

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19

A Correct.

20

Q And -- go ahead.

21

A That amount would be \$1,670.95.

22

Q Each month for the -- for 30 years. Is that

23

right?

24

A For 30 years, correct.

Q

All right. And then page 3, same factors

except it's a 10 percent annual yield and the withdrawal period is 25 years. What is --

3

A Yes.

4

Q What would be the scheduled payment be then?

5

A The scheduled payment would be \$3,180.45. 6 Q And then the

final calculation you made was

7

10 percent over 30 years, correct?

8

A Correct.

9

Q And what was the --

10

A And that would be \$3,071.50.

11

Q All right. And you mentioned earlier,

12

what -- do you have any knowledge of what Julie White

13

intends to do with her investments or even if she has

14

this investment?

25

February 4, 2022

Christine Knutson-D 143

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15 A No, I have no knowledge of that.

16 Q All right. You also mentioned that Mr. White
17 had asked you and your -- another CPA in your office to
18 review his financial calculations? Do you have those
19 available?

20 A Yes, I do.

21 Q I will -- I will represent to you that the 22 one -- the financial analysis
for Dave White is our

23 Exhibit 109. Yours probably doesn't have an Exhibit

24 number on it. But do you have one for Dave White and one for Julie White?

A Yes, but I have those in front of me.

Q All right. So let's start with the one for
3 Dave White. And tell us what you did on this, please?

4 A I -- we simply looked at the numbers and just
5 to see whether they were reasonable, whether they made
6 sense in just based on what Dave White was -- was
7 telling us. He said he receives \$2,093 per month
8 Social Security and -- and all these various other
9 things. We do not verify any of these numbers. We did
10 not look at the underlying documents. We just were

25

February 4, 2022

Christine Knutson-D 144

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11 looking to see if the overall presentation made sense.

12 There was one part that needed adjustment. 13 We spoke to Dave about that,
and he agreed. And we

14 made that small adjustment. And then I just did some 15 cosmetic things about -- I -- I
checked the math. And

16 made sure that everything added up.

17 Q And so this wasn't so much a cash flow
18 analysis as it was a net worth analysis; is that
19 correct?

20 A There's two parts. The first was a cash flow
21 based on Dave's -- Dave White's representation, that he
22 has the income and expenses. Mr. White prepared all 23 this. We just checked
the math. And then the assets 24 would be a net worth analysis.

Q I see. So the top half is the cash flow, and
the bottom half is the net worth?

A That's correct. And again, this was all
3 prepared by Dave White, but we -- we checked the math
4 and -- and it seemed reasonable based on what he was 5 telling us.

6 Q All right. And then our Exhibit 110 is the
7 financial analysis for Julie White. Did you conduct

25

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Christine Knutson-D 145

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2

8 the same sort of a check as with Dave White's analysis?

9 A For Julie White --

10 Q Yes, ma'am.

11 A I checked the math, and these are all numbers

12 from -- from Dave White. We didn't question the

13 numbers. Honestly, a withdrawal from the bank up at

14 the top that apparently was some special item -- the 15 withdrawal from the
bank for 38,000 divided by 4

16 months. That's the only thing that was questioned.

17 And then the representation that she had \$250,000 in

18 the bank. Again, we did not look at any of the

19 underlying documents. And the IRA matches the same 20 amount on -- on Dave White's
balance sheet -- or not 21 balance sheet, but his work paper.

22 So, essentially, we checked the math on that. 23Q All right. And then
you're -- from -- based

24 upon what Dave White has told you, you're familiar that with the fact that his -- his primary
source of income

at this point is through his Social Security benefits; is that correct?

3 A That's correct.

4 Q And how does that -- based upon the numbers

25

February 4, 2022

Christine Knutson-D 146

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he's given you, is there -- is it a taxable event
assuming those numbers that he's provided for his
income?

A Based on that, based on, for him, with Social
Security and an IRA withdrawal --

Q Yeah.

A -- there would not be taxes on that. 12 Q And you're -- you're
talking about if he's a
single filer, he's -- there's no tax, right?

A A single filer. He would not meet the
threshold for the Social Security to be taxable -- oh, 16 I'm sorry. Excuse me.
Excuse me. Honestly, I did not
make that calculation.

Q All right. But --

A But his -- just doing it quickly in my head,
his standard deduction -- and -- and perhaps the
mortgage, but I don't know what the breakdown is 22 between the -- tax and
interest, but the standard
deduction would make his tax minimal, if anything.

Q Right. So really his adjusted gross income

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would have to be more than \$25,000 minimum before he --
he would start getting taxed. Does that sound about right?

3

A His adjusted gross income -- 4 Q Ms. Knutson,
are you there?

5

THE COURT: She's there.

6

THE WITNESS: I am. Sorry. 7 THE COURT: She's just

doing some

8

calculations for you.

9

THE WITNESS: The adjusted gross income

10

would have to be greater than \$14,000 for there to be

11

any tax.

12

BY MR. BERNABEI:

13

Q Okay.

14

A But the adjusted gross income would be his

15

\$12,000 IRA -- IRA withdrawal at a thousand per month,

16

except if that's -- if that's allocated to Julie at

17

half, then it's only 500 per month. So after the

18

allocation to Julie White, his adjusted gross income

19

would -- and then after the

20

(Indiscernible) -- after -- okay, and so the adjusted

25

February 4, 2022

Christine Knutson-D 148

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21

gross income would have to be more than -- I'm sorry,

22

we're in about \$13,000.

23

Q Before the income tax.

24

A Before there would be any tax.

MR. BERNADAI: Okay. Thank you. That's

all I have but hold on. The other attorney may have some questions.

3

THE COURT: All right. Ms. Knutson,

4

you're going to hear from Mr. Shipley.

5

Go ahead.

6

MR. SHIPLEY: Okay. 7 CROSS-EXAMINATION

8

BY MR. SHIPLEY:

9

Q Ms. Knutson, going back to, I think it was

10

number -- give me a second, Your Honor -- the Exhibit

11

135, Investment Schedules, did you actually produce 12 those documents, or

were those documents given to you

13

by Mr. White?

14

A I produced those documents.

15

Q Okay.

16

A The investment withdrawal schedules?

17

Q Yes. Yes.

25

February 4, 2022

Christine Knutson-D 149

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18

A Yes, I produced those.

19

Q If Ms. White were to choose to say take

20

\$250,000 that she has and buy a home so that there 21 would only be \$100,000,
would that make a difference in 22 your schedules?

23

A Yes. The beginning -- the -- at some point

24

either at the beginning balance or some point at some date, the balance would
be reduced by \$250,000, and

25

February 4, 2022

Christine Knutson-X 150

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that would be a significant difference.

Q

Okay. The 4 percent and then the 10 percent

3

investment return that these schedules are based upon,

4

did you come up with those figures, or did Mr. White 5 give you those figures?

6

A The -- well, Mr. White, through his attorney, 7 gave me those figures. They're just assumptions. 8

Q

Okay. So you did not actually make any sort 9 of -- okay.

10

A Mr. White is familiar -- is familiar with an 11 investment that has a historical yield of 10 percent.

12

MR. SHIPLEY: Objection, Your Honor. 13 It's nonresponsive.

14

THE COURT: Overruled. Go ahead. Go 15 ahead and finish, Ms. Knutson.

16

THE WITNESS: And so he was -- he was

17

thinking that if all the money was invested in that

18

investment or similar investment that would

19

yield -- that could yield 10 percent, that 10 percent

20

would be a -- a figure -- yield to use in these

21

calculations.

22

BY MR. SHIPLEY:

23

Q

So none of those rates of return --

24

A

Four percent is a very conservative yield.

But it's -- and I'm just speaking as a CPA and

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February 4, 2022

Christine Knutson-X 151

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observation of -- and conversations with financial planners -- 4 percent has been a rule of thumb for withdrawals because obviously there are ups and downs in a market and depending on the timing within the -- the withdrawal period, if it's early in the withdrawal period, it could be very significant. And if one is taking more than 4 percent, then that could really reduce the investment value, of course, and future earnings. If it -- if a downturn is experienced, in the middle or toward the end of the 11 period, the 25- or 30-year period of the life, then of 12 course, the impact is not as great.

MR. SHIPLEY: Your Honor, I move to strike this testimony because she's not --

THE WITNESS: So that's why we use 4 16 percent.

MR. SHIPLEY: -- not qualified to give financial advice as an expert.

THE COURT: She's doing her best to 20 answer your questions.

MR. SHIPLEY: Well, she's gone beyond 22 that.

THE COURT: I know you believe she has, but she's doing her best answer your questions.

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Christine Knutson-X 152

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MR. SHIPLEY: All right. Okay.

THE COURT: Do you have any additional
questions for the witness?

3

MR. SHIPLEY: My question was -- my

4

question was actually did she come up with these 5 figures,
or were these figures given to her by Mr.

6

White? And that was actually what I'd asked.

7

THE COURT: And she gave the answer to

8

that both. One, Mr. White; and secondly, that sort of

9

in talking with other folks out there, the 10 percent

10

is from that, and the 4 percent comes from that's a 11 pretty
standard rate of return if you don't want to

12

touch the principal.

13

MR. SHIPLEY: Okay.

14

THE COURT: Ms. Knutson, is that pretty

15

much your testimony?

16

THE WITNESS: Yes, Your Honor.

17

BY MR. SHIPLEY:

18

Q Also, within the investment schedules, it

19

does not indicate -- they don't indicate whether or not

25

February 4, 2022

Christine Knutson-X 153

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20

there would be tax implications for these withdrawals;

21

is that correct?

22

A That's correct.

23

Q Okay. Let me go to -- Ms. Knutson, I want to

24

go to Exhibit 109, and -- yeah, let's go to 109, which was the
financial analysis of husband. The Exhibit

109, did you create that document, or is that a document that was given to you by

Mr. White? 3 A That was given to us by Mr. White. 4 Q So this is not your work product;

is that 5 correct?

6

A That's correct. Is this -- are you -- it's 7 the same for either one, but are you
referencing Julie 8 White or Dave White?

9

Q I was -- I was referencing Dave White, but my

10

next question was going to be pertaining to Julie

11

White, which is --

12

A Okay.

13

Q -- that's Exhibit 110 for us.

14

A All right.

15

Q And so the same question then goes for

16

Exhibit 110. Is that a document that was created by

25

February 4, 2022

Christine Knutson-X 154

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17 Mr. White for his attorney and given to you, or was 18 that -- is that your work
product?

19 A It's not our work process, I mean -- 20 Q Work product.

21 A It was given to us by Dave White. 22 Q Okay. And you did not perform
any type of an

23 audit on these figures; is that correct?

24 A That is correct.

Q And the assumption in No. 109, which is Mr.
White's -- Dave White's, the assumption there is that his employment income is only
\$50 per month. So are 3 you aware of whether or not he earned more than that in

4 2021 or not?

5 A No, I'm -- I am not aware.

6 Q Do you know anything about Mr. White's
7 earning capacity?

8 A No, I don't.

9 Q Have you ever reviewed Mr. White's resume?

10 A Pardon me?

11 Q Have you ever reviewed Mr. White's resume or 12 work history?

13 A No. I -- and I'm not -- I don't have the

14 knowledge of whether Mr. Rick Hug, CPA, has. He wasn't

25

February 4, 2022

Christine Knutson-X 155

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15 -- he's not available at this time. But he introduced

16 me to Dave White during a phone meeting.

17 Q All right.

18 A And I do not have personal knowledge of Mr.

19 White's or Ms. White's history or current -- current 20 income or past income.

21 Q Okay. So the figures then in 109 and 110,

22 you simply checked the math on those, that every 23 assumption and piece
of information within those is

24 from Mr. White or his attorney, correct?

A That is correct.

Q The question that you were testifying about adjusted gross income. So your
testimony is that until 3 somebody's adjusted income goes over \$14,000, they 4 don't -- they
would not have --there would not be a tax

5 liability. Is that correct?

6 A If the adjusted gross income is less 7 than -- sorry -- than \$14,000, they
would not have

8 taxable income.

9 Q Okay.

10 A And no tax liability.

11 Q Okay. This is just a general tax question.

25

February 4, 2022

Christine Knutson-X 156

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12

It -- if somebody earns 15,000 in adjusted gross

13

income, is it true that the only -- the amount over the

14

\$14,000 threshold, such as the one thousand, that's the

15

only amount that would be taxed, correct?

16

A Correct.

17

Q So the 14,000 that was still below, that

18

would not be taxed, correct?

19

A That's correct.

20

Q So if somebody earned 20,000, they would only

21

pay tax on that additional 6,000 over the adjusted

22

gross income; is that correct?

23

A That's correct.

24

Q So is there any situation where if somebody all of a sudden earned that

-- like went one dollar

over that 14,000, then all of a sudden the IRS would want to tax that first 14,000?

3

A With just \$1 over?

4

Q Yes.

5

A No. I'm not aware of any situation.

6

Q Okay.

7

MR. SHIPLEY: No more questions, Your 8 Honor.

25

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Christine Knutson-X 157

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9

THE COURT: Mr. Bernabei, any follow-up

10

questions?

11

MR. BERNABEI: No, Your Honor.

12

THE COURT: All right. Thank you, Ms.

13

Knutson. That's it. You can terminate the call.

14

THE WITNESS: Thank you, Your Honor.

15

THE COURT: All right. Obviously, we

16

have to set up the second hearing. And so what dates 17 are

we looking at, April, May, now?

18

THE CLERK: Yeah. And they'll be coming 19 back on their contempt

cases.

20

THE COURT: And what -- how much time do 21 we have set aside for

that?

22

THE CLERK: March 29th at 10:30, so we 23 would have an hour and a

half.

24

THE COURT: Okay. Let's just do that.

March 28th at 10:30.

25

February 4, 2022

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MR. SHIPLEY: Is that with the date we

already have?

3

THE COURT: No. It was the date for the

4

contempt cases. That was dismissed. So we'll go from

5

there. All right. Thank you all.

6

MR. BERNABEI: And you said 10:30?

7

THE COURT: Yes.

8

MR. BERNABEI: Okay.

9

MR. SHIPLEY: Then -- then in the

10

interim, are you, of course, expecting us to do the 11 personal
property.

12

THE COURT: Yes. Yup. And again, take

13

the most exhaustive lists, and we'll go from there, and

14

the Court will make certain factual determinations.

15

MR. SHIPLEY: Should we leave our

16

Exhibit books then? The ones that have been put aside 17
somewhere?

18

THE COURT: Nah. You guys can take them

19

back.

20

MR. SHIPLEY: All right.

25

March 29, 2022

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21

THE COURT: The ones the Court has

22

received though, we'll need to keep. You have your 23 own --

you have your -- the ones you've received into 24 evidence so

far.

MR. SHIPLEY: The ones that are received

or on the witness stand, I guess. Those are my originals, but I guess --

3

THE COURT: You got them. They've been

4

received?

5

THE CLERK: Yes.

6

THE COURT: You can take the bench

7

books.

8

MR. SHIPLEY: I don't mind leaving them.

9

THE CLERK: I don't mind you taking

10

them.

11

THE COURT: And then make sure we get

12

either a CD or thumb drive or whatever for those other 13 exhibits.

14

MR. SHIPLEY: Yes, I will. Thank you,

15

Your Honor.

16

(Proceedings concluded at 12:14 p.m.)

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March 29, 2022

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TRANSCRIPT OF COURT TRIAL
THE HONORABLE D. CHARLES BAILEY
CIRCUIT COURT JUDGE.

4

5

APPEARANCES:

6

For the Petitioner: Attorney at Law
By: James T. Shipley
Portland, OR 97321

7

8

For the Respondent: Attorney at Law
By: Vincent J. Bernabei
Beaverton, OR 97008

9

10

11

(10:34 a.m.)

12

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15

25

THE COURT: All right. This is a
continuation in the matter of Julia White, petitioner,
and David White, respondent, 21DR02783. We have Mr.
Shipley here on behalf of the petitioner and Mr.

March 29, 2022

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Bernabei on behalf of the respondent.

17

I wish I'd taken notes. I don't know if

18

we had -- but I didn't write down who was testifying

19

last to remind myself where we're going to start off

20

at.

21

Is there anything we need to take up

22 before we actually begin with taking more testimony? 23

MR. SHIPLEY: Yeah, Your Honor.

24

The -- the last witness to testify, I believe, was the

CPA who had testified --

25

March 29, 2022

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THE COURT: Knutson?

MR. SHIPLEY: -- for the respondent. 3

THE COURT: Is

that who it was? Is that 4 why I had that in my notes?

5

MR. SHIPLEY: I -- we had filed a motion

6

to compel production of documents. There was some bank

7

statements from KeyBank that had been filed. So we

8

filed a motion on that -- on a request for oral 9 arguments. So I

don't know if that could be something

10

the Court could address now or -- or not?

11

THE COURT: Sure.

12

MR. SHIPLEY: So, anyways -- 13

MR. BERNABEI:

Before we start that, I

14 don't recall a motion being filed. I did not receive a 15 copy.

16

MR. SHIPLEY: I copied -- I sent a copy.

17

MR. BERNABEI: When was the motion

18

filed?

19

MR. SHIPLEY: Hold on here. Let's see.

20

That was filed on the 9th of March.

21

MR. BERNABEI: All right. I'll take a

22

look. Hmm. Yeah, I see it.

25

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23

THE COURT: Do you have it?

24

MR. BERNABEI: No.

THE COURT: I can print it out for you
real quick.

(Court and clerk converse.)

3

(Pause)

4

THE COURT: When you're done. Thanks.

5

(Pause)

6

THE COURT: Mr. Bernabei?

7

MR. BERNABEI: Yes.

8

THE COURT: You've had a chance to read

9

it over now, and saw that there was an actual motion

10

filed. So what your client's -- or find you on behalf

11

of your client's response to the request for those

12

Climate Truth account statements, bank account

13

statements.

14

MR. BERNABEI: Your Honor, the motion

15

does not indicate that it was ever served. And I never 16

received it. So it's not properly before the Court.

17

THE COURT: It was filed with the Court.

25

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18

And so it's properly here. And we can go get Mr.

19

Shipley. I think he put it in his declaration that

20

he's conferred with you, that he -- that you know.

21

I'll pull it up there again.

22

MR. BERNABEI: And -- and we did, yeah,

23

I -- I discussed this and --

24

THE COURT: So is there a reason why

they haven't been -- I mean, they would have been

certainly part of the original discovery request. He has authority and uses them for his

personal accounts. 3 They'd certainly be part of the -- what should have 4 been provided in

the original production.

5

MR. BERNABEI: Well, Your Honor, before

6

I get to the substance of this, we have not had a -- a 7

opportunity to respond to the motion because it was not 8 served

on us.

9

THE COURT: I'll give you a chance now.

10

What is your response to it now?

11

MR. BERNABEI: Well, Your Honor, under

12

the Court rules, we have 14 days to respond to any 13 motion.

14

THE COURT: Huh. Then I'll set

25

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15 this -- we'll set this hearing out, and we'll give you 16 14 days and
set a hearing for that point in time.

17 Clearly can't go forward unless your client hands over 18 these records. And they were -- I
don't, honestly,

19 don't know what the issue is because it's nothing -- I

20 want to guess in reading the declaration that this is

21 nothing that your client wasn't expecting, nothing that

22 you weren't anticipating, and at his deposition he

23 clearly said he had authority over those accounts and

24 has used them for his personal matters. They were clearly part of the original production.

They should

have been part of the original production. They shouldn't have even had to go to the
level of asking 3 the Court for the -- to compel these documents.

4 MR. BERNABEI: Well, Your Honor, I think

5 that's a incorrect characterization of what these

6 records are. They are --

7 THE COURT: Mr. Bernabei.

8 MR. BERNABEI: -- corporate records.

9 Mr. White does have access to them because he is a

10 board member.

25

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2

11

THE COURT: Um-hum.

12

MR. BERNABEI: It's of a nonprofit.

13

These -- these records are not for his individual use.

14

And -- and the account is not for his individual use.

15

And I don't think he's said at deposition or otherwise

16

that it was for his --

17

THE COURT: In your declaration, you

18

indicated that he did say in his deposition.

19

MR. SHIPLEY: Yeah, I mean, I have the

20

deposition transcript. He actually -- Mr. White,

21

testified that he is the only signer on the account.

22

And he also testified that Climate Change Truth paid to

23

landscape his front yard. That was unequivocal. And

24

he said how much it was. So that's part of his deposition

testimony, Your Honor.

THE COURT: What do you want to do, Mr.

Bernabei?

3

MR. BERNABEI: I'm not prepared to

4

address it, Your Honor. It's not properly before the

5

Court.

25

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6

THE COURT: All right.

7

MR. BERNABEI: So we should move forward

8

with what little, little time we have --

9

THE COURT: Nope.

10

MR. BERNABEI: All right. Well, let me,

11

if I may, let me speak to my client then --

12

THE COURT: Yep.

13

MR. BERNABEI: -- because I -- I -- 14

THE

COURT: This is part and parcel of

15

everything that's going on in this particular case.

16

And everybody needs to have whatever documentation. I

17

know you've gone on many tangents in this case, and I

18

am sure this will take us down another to be explained

19

metaphor as a "rabbit hole." I get that. But that's 20 part of the fairness of this system if
you will.

21

And I've been doing my best to give due

22

process to your client, and I think I denied one of

23

their motions based on some of that due process. But

24

it's got to go back down the way as well. If he testified at his

25

deposition that he is the one that has access to that account and

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it was used for personal purposes, I don't care if it was one time
to pay

3

for -- he, the gardener -- that's enough to open it up

4

for them to take a look at the -- to see if there's 5 anything else in there.

6

I can do it subject to an order -- of a

7

protection order. I have no problem with that if there 8 may be
some proprietor issues with the bank accounts.

9

But certainly, if it turns out in his deposition and/or 10 that if he just knows that he has used it

for other

11

personal items, or if they paid other personal bills of

12

his in addition to his gardener, if you will,

13

landscaping, they're entitled to at least take a look

14

at it to see if there's anything else in there, or

15

other types of incomes, other types of resources, 16 whatever it may be.

17

Essentially it becomes an income. All

18

right. He said the gardener's paying for -- or the 19 companies
paying for his landscape person, gardening, 20 it becomes a
source of income.

21

MR. BERNABEI: Well, Your Honor, I just

22

-- let me talk. You know -- we did file a response to

25

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23

the request for production. I noticed declaration

24

states we did not. So the problem is -- because it just came to me
now -- I don't really have an opportunity to prepare a formal
response.

And that does concern me since if it's a 3 motion to compel, ordinarily,
the Court would provide

4 some advanced notice. And even if the Court grants the

5 motion to compel, we're here for trial today. And I

6 don't know, as I stand here, whether Mr. White would

7 even be able to gather the records that he's asking

8 for.

9 THE COURT: Most of them are online, so 10 it shouldn't be that hard.

11

MR. SHIPLEY: Your Honor, I -- if -- I

12

would say if because we do have such limited time -- if

13

they agree to provide those, I would -- I have a couple

14

witnesses I would like to get through. I have on 15 online right

now that those documents are not going to 16 germane to their
testimony.

17

THE COURT: That's fine. We'll do it.

18

MR. SHIPLEY: And then I have another

25

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19

witness outside. And again, the documents; but in

20

terms of examination of. We could also start into the

21

examination with Mr. -- Mr. White, and then we probably

22

won't get done with that, with him, before noon 23 anyways.

24

THE COURT: Okay. That's fine.

(Indiscernible) we can do it. That's fine.

MR. BERNABEI: Well, then that -- that

would give me a little bit more opportunity to speak to

3

my client about it.

4

THE COURT: Okay. That's fine.

5

Anything else?

6

MR. BERNABEI: Your Honor, for

7

respondent there is. Where we left off at -- at the

8

end of our last hearing was each side had submitted

9

a -- a blind bid on personal property. And then the

10

Court was going to decide who gets what at what value.

11

There are some items on there that -- on the

12

list -- that we have that we don't believe should be

13

divided as personal property and that are included as

14

either part of the home or there were some gifts and

25

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15

inheritances, things like that. How does the Court

16

intend to --

17

THE COURT: I assume you guys in your

18

testimony are going to have your clients up there and

19

go through the things that there are -- that they don't

20

believe exist. And then the Court will -- as I told

21

you guys before -- Court will listen to that testimony

22

and maybe agree with them or disagree with them. If

23

the Court disagrees with them, and they've got a value,

24

and they want out, they're going to get that item, even if it
doesn't exist, and at that value.

MR. BERNABEI: Okay. I think just -- he

wanted --

3

THE COURT: Yes.

4

MR. BERNABEI: -- me -- so we'll

5

just --

6

THE COURT: That's fine. Yep.

7

MR. BERNABEI: -- we'll present it as

8

part of our cases.

9

THE COURT: Yep. Anything else?

25

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10

MR. BERNABEI: Yes, Your Honor.

11

We -- yesterday we had filed a motion to allow

12

telephone or a remote location testimony of a Ken Nicks

13

(phonetic). But we have not heard --

14

THE COURT: I granted it.

15

MR. BERNABEI: Oh, you did. Okay.

16

Thank you.

17

THE COURT: Yep. I don't know if we'll

18

get to him today or not but --

19

MR. BERNABEI: Right. Thank you. 20

THE COURT: Yep. All right,

anything

21

else before you call your next witness?

22

MR. SHIPLEY: Nothing, Your Honor. 23

THE COURT: All right. So you

may call 24 your next witness.

MR. SHIPLEY: Your Honor, I call Brian

White. He is the -- on --

THE COURT: I don't see anybody else on 3 the system there.

4

THE CLERK: He's there. I just --

5

THE COURT: Oh, you just do there.

6

Okay.

7

Mr. White, I need you to put your video

8

on for us, please. Mr. White, can you hear -- there

25

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9

you go. And make sure your mute is off.

10

MR. WHITE: Okay.

11

THE COURT: I can hear you now, so it

12

must be off. You'll raise your right hand to be sworn.

13

BRIAN WHITE

14

called as a witness for the Petitioner, having been duly

15

sworn, testified as follows:

16

THE COURT: All right. It's -- it's

17

really jumpy. How far away are you from your router?

18

THE WITNESS: I apologize.

19

(Indiscernible) -- I'm actually at a hotel on a work 20
conference system. I could possibly attempt to join
by

21

phone if that would work better.

22

THE COURT: I don't know. That's

23

between you and Mr. Shipley. I wasn't part of always

24

my rule is that the attorney's required to make sure that you have
the proper tools so we can see and hear

25

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you and it's not jumbled.

THE WITNESS: I -- I apologize. I just 3 received the link as -- as it started.

4

THE COURT: But it's not the link. It's

5

the -- whatever you have and the bandwidth that you

6

have or how close you are to the router and/or the 7 speed of
your device.

8

MR. SHIPLEY: Mr. White, is there a

9

place you could go in the hotel to get a better 10 connection?

11

THE COURT: You see. He keeps

12

(indiscernible). He's -- he keeps going dead. 13

THE WITNESS: I -- I can (indiscernible)

14

maybe five minutes.

15

THE COURT: Okay.

16

MR. SHIPLEY: Your Honor, I can call my 17 other witness in the
meantime.

18

THE COURT: Yeah. We just got to know

19

because we may have to send you another link. 20 Sometimes,
it takes a second link. There's going to be

21

a second email with a link. Okay? All right.

25

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22

THE WITNESS: Thank you, sir. 23

THE COURT: All right. You

may call 24 your other witness.

UNIDENTIFIED SPEAKER: (Indiscernible)

25

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2

far is she?

MR. SHIPLEY: Your Honor, I'm calling 3 Tammy Davis.

4

THE COURT: Ms. Davis, once you get up

5

here, could you raise your right hand for me,
please?

6

TAMMY DAVIS

7

called as a witness for the Petitioner, having been
duly

8

sworn, testified as follows:

9

THE COURT: Go and have a seat, in a

10

(indiscernible) chair seat, and tell us your full name

11 and spell your last name for us, please?

12

THE WITNESS: Tammy A. Davis, D-A-V-I-S.

13

THE COURT: You may inquire.

14

MR. SHIPLEY: Your Honor, you have

15

the -- the original exhibit list or exhibits there

16

so --

17

THE COURT: I do.

18

MR. SHIPLEY: -- if we could hand her

19

the --

20

THE COURT: Yep. Yes.

25

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Tammy Davis-D 177

1

2

21

MR. SHIPLEY: -- petitioner's exhibits. 22

THE

COURT: Okay. Are those yours? Are 23 those mine?

24

MR. SHIPLEY: I think those ones right

there --

THE CLERK: I have this.

THE COURT: You have the originals? Oh,

3

okay.

4

THE CLERK: I have it.

5

THE COURT: Perfect. 6 DIRECT EXAMINATION

7

BY MR. SHIPLEY:

8

Q Okay. Ms. Davis, what I -- I will just ask 9 you some questions, and then at some point, I'm going

10

to reference in --

11

A Okay.

12

Q -- to the notebook in front of you. Ms.

13

Davis, what is your relationship to my client, Ms.

14

White?

15

A I'm her little sister.

16

Q Okay. And what do you do for a living?

17

A I'm an antique dealer.

25

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Tammy Davis-D 178

1

2

18 Q Okay. And how long have you been in that 19 business?

20 A Professionally, a decade, but my whole life.

21 Q Okay. Have you sold antiques to your sister?

22 A No.

23 Q Does she have -- do you know if she has any
24 or has had any antiques from you?

A Yes. Lots.

Q And so how is it that she came to have those antiques?

3 A I -- wanted my sister to have beautiful
4 things, so I asked her if I could store things at her
5 home, on the basis that she knew that if she ever
6 didn't want them anymore that I would just resell them.
7 And then I would use her home for staging as well. She
8 had a beautiful blank canvas which I could decorate and
9 then take photos to use on my Facebook page and
10 Instagram.

11 Q Is -- is that something normal within your
12 industry where you would have, I guess, inventory
13 located not in your shop?

14 A It's normal for me. I can't really say what 15 other people do.

25

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Tammy Davis-D 179

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16 Q Okay. Now, this case began in February of 17 2021. Do you know if Ms. White
had any pieces of yours

18 that belonged to you?

19 A I believe so.

20 Q Okay. If you -- Ms. Davis, in that -- in the
21 exhibit binder in front of you -- if you could please 22 turn to Exhibit 9?

23 And if you could please just look at the

24 first three or four photos there, the first four photos. And that's the
photos of the house?

A Um-hum.

Q Is that Ms. White -- was that the White's
3 home?

4 A It is.

5 Q Okay. And if we can go to page 5 --

6 A Yes.

7 Q -- are there any items in that photograph 8 that you owned?

9 A There are. The mirror and also the wooden
10 brackets above the fireplace I purchased from a 11 sorority house.

12 Q The mirror, I don't see a mirror. I

13 see -- it looks like a --

25

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Tammy Davis-D 180

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14

A On page 5.

15

Q Isn't there a painting and then the -- I

16

think you're looking at page 6. Possibly?

17

A No.

18

THE COURT: She is. There's no -- there

19

is no mirror in page --

20

THE WITNESS: This just -- 21

THE COURT: --

on number 5.

22

THE WITNESS: -- says page 5.

23

THE COURT: This is my 5.

24

THE WITNESS: Oh, I don't have that

picture.

BY MR. SHIPLEY:

Q Okay.

3

A But the picture above the -- of the birds,

4

that's mine as well.

5

Q Okay.

6

MR. BERNABEI: Wait. Wait. Who -- I

7

don't have a bird.

8

THE COURT: I --

25

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Tammy Davis-D 181

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9 MR. SHIPLEY: That -- the photograph of 10 the bird.

11 THE WITNESS: In -- in my book, it's -- 12 MR. BERNABEI: This?

13 THE WITNESS: -- page 4 that you're

14 referring to. And it's a -- a frame -- an antique

15 frame with a Audubon portrait or sketch of a -- of a

16 heron. And that --

17 BY MR. SHIPLEY:

18 Q Ms. Davis, the Court just showed you a

19 photograph that was marked as 5. In your book, is

20 that --

21 A In my book, it's page 4.

22 Q Okay.

23 THE COURT: May I take a look?

24 THE WITNESS: Yeah, see. It's this. It
says 4.

25

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THE COURT: Oh, yeah, that's my 5.

MR. SHIPLEY: All right.

3

THE WITNESS: Okay.

4

MR. SHIPLEY: So we might be off a page.

5

Sorry.

6

BY MR. SHIPLEY:

7

Q All right. So the -- the -- the artwork on

8

the wall of the Audubon, that was yours --

9

A Um-hum.

10

Q -- and that -- that -- the wooden

11

decoration --

12

A Yeah.

13

Q -- above the mantle is yours?

14

A Correct.

15

Q Okay. And the table in the corner, was that
16 yours as well?

17

A It is.

18

Q Okay.

19

A It's a marble antique (indiscernible) -leg

20

style --

21

Q Is that real marble?

25

A

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Tammy Davis-D 183

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22

A It is.

23

Q Okay. And then turning to the next page, 24 there's a mirror on the wall and --

Yes, that -- by the front door, that is mine

as well.

Q Okay.

3

A And then the corner behind the sofa there,

4

there's two antique tables that her plants are on. 5 Those were also my tables.

6

Q Okay. All right. Well, let's go forward

7

to --

8

A On page 7, there's a cabinet that I was with

9

her when she purchased, but it wasn't mine.

10

Q Okay. So that one's not yours?

11

A No.

12

Q All right. That would be on page 8, Your

13

Honor.

14

THE COURT: Gotcha.

15

THE WITNESS: So if we go to what I

16

believe would be your page 10 --

25

A

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Tammy Davis-D 184

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17

BY MR. SHIPLEY:

18

Q Okay.

19

A -- we're in the bathroom now. And there's an

20

antique bird print above the commode that is mine, as

21

well as the baskets that I had her hang her towels in.

22

Q So those baskets --

23

A Um-hum.

24

Q -- that are above the toilet?
Actually, the -- the drape is mine as well,

25

A

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1

2

4 but I'm sure it's going with the house.

5 Q So the -- above the toilet paper roll, 3 those --

A Um-hum.

Q -- two decorative baskets --

A Um-hum.

Q -- were yours.

A Yep.

Q Okay.

A And the -- the bird print above the toilet as

11 well.

12 Q I have that. Okay. And then on the next

6 13 page, are there any items there that were yours? 14 A Uhm. I don't believe that

7 those in the 15 bedroom -- in the guestroom belonged to me. 16 Q Okay.

8 And then to what would be your page

9 17 11, our page 12.

10 18 A Yeah, the mirror was something --

11 19 Q Oh, that's on our 13.

12 20 A -- that I lent her.

13 21 MR. BERNABEL: Is this the same one?

14 22 BY MR. SHIPLEY:

15 23 Q So page 13, our 13, that mirror on the wall

16 24 was yours.

25 A

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1

2

17

Um-hum. Correct.

25

A

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Tammy Davis-D 187

1

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Q All right.

A And if you go to what I believe is your page 3 16, there's a -- an antique print
with a mirrored

4

frame. That was mine.

5

Q That would be our 17, I believe.

6

A Okay.

7

Q So the -- the -- the artwork with the flowers

8

in a frame --

9

A Correct.

10

Q -- that was yours?

11

A Correct.

12

Q Okay. All right.

13

A On my 18 which I think is your 19, it's just 14 another shot of the -- the
bird print and the table.

15

Oh, and the lamp with the hummingbird is mine as well.

16

Q Oh, that lamp there --

17

A Um-hum.

18

Q -- on page -- our page 20?

19

A Correct.

20

Q Okay.

25

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Tammy Davis-D 188

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21

MR. BERNABEL: Hold on. Hold on. 22

THE WITNESS: Do you

want me just to 23 keep going?

24

MR. SHIPLEY: Can she keep going?

THE COURT: Yep.

BY MR. SHIPLEY:

Q Yes.

3

A If -- if you go to -- what I -- it's my page

4

19, it would be your page 20 -- I believe in the garden

5

window, there are three antique vases. Those were

6

mine.

7

Q That would be page -- our page 21.

8

A Okay. And then my page 21 shows two large 9 foil pieces of art with

birds in the -- in the family

10

room.

11

Q That would be on our page 23.

12

A Those are mine.

13

Q Okay. And then on the next page, which is

14

our 24, that's the --

15

THE COURT: Going back to the last

25

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Tammy Davis-D 189

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16

one, which one did you say was yours? The pictures? 17

THE WITNESS: Yes. The antique foil -- 18

THE COURT: -- above the sofa.

19

THE WITNESS: -- of the birds. Um-hum.

20

Yeah. The -- the little Asian desk and stuff, that is

21

not -- that was not mine.

22

BY MR. SHIPLEY:

23

Q Okay.

24

A And the clothes aren't mine. If you go to my

page 27, there's a large mirror. It's a designer from

the 70s. I've -- I've lost the name in my head currently, but that mirror on the teal wall.

3

Q On our page 29?

4

A Um-hum.

5

Q With, like, the bronze-looking pieces --

6

A Yes.

7

Q -- that are surrounding it?

8

A Yes. That was an item of mine. And then on

9

the next one, there's an oil painting in pink that

10

belongs to me. And then we're to the garage,

11

I -- I -- none of those items, I believe --

25

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Tammy Davis-D 190

1

2

12

Q Okay.

13

A -- are mine. Then the -- in her garden, most 14 of the potted plants I
had lent her.

15

MR. BERNABEI: So what was on your 29?

16

THE COURT: The mirror art.

17

THE WITNESS: That -- that big, huge

18

bronze mirror with all the little -- looks like coins 19 around it
almost.

20 MR. BERNABEI: Yeah. Yeah. Okay. 21 THE WITNESS: Yeah. That came from a

22

buyout I did at the Hibiscus House in Salem.

23

BY MR. SHIPLEY:

24

Q Okay. Moving forward, then?

A My page 34, it's just a large potted plant

that I purchased it in an estate sale.

4

MR. BERNABEI: Your Honor, I'm going to 3 have to object because of --

THE WITNESS: Okay.

5

MR. BERNABEI: -- we're off on the

6

pages.

7

THE WITNESS: Okay.

8

MR. BERNABEI: We're not able to track

9

this. I think questions from the attorney and answers

25

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Tammy Davis-D 191

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10 from the witness --

11 THE WITNESS: Oh -- 12 THE COURT: Okay.

13 THE WITNESS: Okay.

14 MR. BERNABEI: -- would --

15 THE WITNESS: We don't need to look at
16 the --

17 MR. SHIPLEY: Tammy, Tammy, let me.

18 I'll ask questions, I'm sorry --

19 THE COURT: Yeah.

20 THE WITNESS: Okay. Sorry.

21 MR. BERNABEI: Yeah.

22 THE COURT: Ms. Davis.

23 MR. SHIPLEY: What's that?

24 THE COURT: Ms. Davis.

MR. SHIPLEY: Sorry, sorry, Ms. Davis, sorry.

THE COURT: Go ahead.

3 MR. SHIPLEY: Okay. All right. 4 THE COURT: You just got to make sure

5 you guys are on the same page.

6 THE WITNESS: Okay.

25

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1

2

7

MR. SHIPLEY: Right. So lets -- 8 THE COURT: I'm not saying
you guys were

9

looking at the same pages (indiscernible).

10

THE WITNESS: Right.

11

BY MR. SHIPLEY:

12

Q So on our page 37, there's that potted plant

13

that's near the hot tub. And you're saying that that

14

was an item.

15

A Correct.

16

Q -- of yours.

17

THE COURT: Which one? There's a clay 18 pot.

19

THE WITNESS: It's a big -- it's square.

20

MR. SHIPLEY: Kind of gray coloring? 21 THE WITNESS: Um-
hum. It's more green, 22 but that's good.

23

THE COURT: All right. It's this one.

24

You'll see it. You'll see there's a brown clay pot that's right next
to the hot tub, and then there's this

one here. In the next picture, it's all by itself.

MR. BERNABEI: Okay, so. Let me see.

3

THE COURT: It's my 36.

25

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Tammy Davis-D 193

1

2

4

MR. BERNABEI: 36?

5

THE WITNESS: It's my --

6

THE COURT: -- your numbers and my

7

numbers have been pretty much the same.

8

MR. BERNABEI: Right.

9

THE WITNESS: It's just got one.

10

MR. BERNABEI: Okay.

11

BY MR. SHIPLEY:

12

Q Okay. Going forward from there, the next

13

picture, which is our 38, is a picture of the pond. Is

14

there anything within that photo that --

15

THE COURT: And what is yours because

16

yours are the official --

17

MR. SHIPLEY: Yeah, I think yours is 37.

18

MR. BERNABEI: 37, probably.

19

THE COURT: You're the official Court

20

records, so yours say 37; it'll pass this decoder right

21

here.

22

THE WITNESS: Oh. Mine is 36 -- 23 THE COURT: Okay.

24

THE WITNESS: -- page 36 on mine.

25

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Tammy Davis-D 194

1

2

Several of the floats came from my shop that I -- that
I lent her, but from this photo, I can't tell.

MR. SHIPLEY: Okay.

3

THE WITNESS: But -- 4

MR.

SHIPLEY: All right.

5

BY MR. SHIPLEY:

6

Q Moving forward, our 40 is under the umbrella

7

in the backyard. I think that might be your 38 or 39?

8

A I don't see anything there that's -- 9

THE COURT: Is that the

metal table

10

that's on the rug?

11

THE WITNESS: I don't see a metal table.

12

Sorry.

13

THE COURT: Under the umbrella itself. 14

THE WITNESS: No. That round table was 15 not mine.

16

UNIDENTIFIED SPEAKER: This one here.

17

THE COURT: So, no?

18

THE WITNESS: No.

19

THE COURT: (Indiscernible).

20

BY MR. SHIPLEY:

25

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Tammy Davis-D 195

1

2

21

Q All right. Go ahead and flip through the

22

rest of the pages --

23

A Okay.

24

Q -- and then let -- let me know --

A All right.

Q -- if you identify any other items there.

And then we'll figure out the pages.

3

A If you go to the -- the next section, section

4

10 --

5

Q Well, hold on. We're not there -- 6

THE COURT:

We're not there yet. 7

MR. SHIPLEY: Yeah, we're not going

8

there right now.

9

THE WITNESS: All right. Well, I didn't

10

see anything else --

11

MR. SHIPLEY: Okay.

12

THE WITNESS: -- that jumped out at me. 13 BY MR. SHIPLEY:

14

Q All right. Now, Ms. Davis, please flip over

15

to Exhibit 10.

16

A Um-hum.

17

Q Hopefully, I've paginated these better. If

25

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Tammy Davis-D 196

1

2

18

you could please flip through those and identify if any

19

of those items were items either that -- let's just say

20

if you own them.

21

A Okay.

22

Q I think some of them may have been -- 23 A Page 3 is the
mirror that we already spoke 24 of.

Q

Okay. So hold on. Let make -- let everybody
get there. This is the mirror with, like, the coin or something, bronze things all around
the outside?

3

THE COURT: It's different than the

4

original one that was behind the teal wall.

5

THE WITNESS: But it's the same mirror.

6

THE COURT: I know it's the same mirror.

7

THE WITNESS: Okay. I'm sorry. 8 THE

COURT: That's okay. You couldn't

9

get it confused with another.

10

THE WITNESS: Okay.

11

MR. SHIPLEY: Is that the same as the

12

one that was in the house?

13

THE WITNESS: It is.

25

March 29, 2022

Tammy Davis-D 197

1

2

14

MR. SHIPLEY: All right.

15

BY MR. SHIPLEY:

16

A If you go to page 7, there are three blown

17

glass -- they're supposed to be fern leaves.

18

Q Yes.

19

A Those are mine.

20

Q Those -- those green items.

21

A Yes, um-hum. If you go to page 10, there's a

22

large rabbit hutch that I had a handyman make as a

23

prototype with -- it's all recycled, reused, and

24

repurposed items -- that he made for me so that I could have a
prototype to show for future clients if they

wanted to order one.

Q

Was that yours or did you give it to Ms.

3

White?

4

A I had it made. It's mine.

5

Q Okay.

6

THE COURT: So the structure itself --

7

A Yes. Um-hum.

8

THE COURT: -- you had made?

25

March 29, 2022

Tammy Davis-D 198

1

2

9

THE WITNESS: It's just all repurposed

10

architectural salvage items that I had my handyman

11

make.

12

BY MR. SHIPLEY:

13

Q Okay. All right. Moving forward.

14

A And he has sold others. On page 11, there's

15

a white, two-tiered plant stand with a light. That is

16

mine.

17

Q So the one right --

18

A -- in the corner --

19

Q -- in the back?

20

A Correct. There's another photo of it on page

21

14. On page 16, there are two small marble-topped 22 tables

that have plants on them. Those are mine, as

23 well as the birdcage on the wall, the antique birdcage. 24 Q So, looking at 16, I see

--

A

It looks like a plant stand, but it -- it's a

little small marble table with a plant on it.

Q

Okay. That's the one in the --

3

A

Um-hum.

25

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Tammy Davis-D 199

1

2

4

Q -- corner next to the window?

5

A Um-hum. And then the one with the pink 6 flowers, that is mine as well, as well as the birdcage

7

that's on the wall.

8

Q So not the big birdcage?

9

A No.

10

Q -- that has birds --

11

A Nuh-uh.

12

Q -- but the item that's hanging on the wall.

13

A The antique one.

14

MR. BERNABEI: Whoa.

15

MR. SHIPLEY: Okay.

16

THE WITNESS: Page 23, it's just the

17

table and lamp that we've already mentioned previously.

18

And 24 is again the rabbit hutch. And I think that's

19

it.

20

BY MR. SHIPLEY:

21

Q Okay. So, Ms. Davis, what's your expectation 22 in regards to these pieces?

23

MR. BERNABEI: Objection, relevance.

25

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Tammy Davis-D 200

1

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24

THE COURT: Overruled. You may answer.

THE WITNESS: My expectations if they're

not in my sister's home anymore, then I should sell them.

3

MR. SHIPLEY: Okay.

4

BY MR. SHIPLEY:

5

Q And so, within your business, like you have 6 items at

Ms. White's home, or maybe, do you have items

7

in other people's homes?

8

A Uh-huh, I do.

9

Q And so when those people then --

10

A Right.

11

Q -- bring them back to you, then you would --

12

A Right.

13

Q Okay.

14

A Ms. White always knew that -- 15

Q You have to wait until I

ask a question.

16

A Okay.

17

Q Sorry. Now, is your daughter also in the

18

antique business?

19

A She is.

25

March 29, 2022

Tammy Davis-D 201

1

2

20

Q And what is her role in the antique business?

21

A She was my business partner who went out on

22

her own and now owns an estate sale company of her own.

23

Q Okay. Do you know if your daughter had lent

24

any antique pieces to Ms. White? A I don't know for sure.

Q Okay. All right.

A I don't know if it -- yeah, I don't -- I

3

don't know.

4

Q All right. Over the years, you've had pieces

5

in Ms. White's possession. Does she return those to

6

you, or does she sell them for herself, or does she 7 always return them to you?

8

A She never sold them for herself. They were

9

always swapped out for different items.

10

Q Okay.

11

MR. SHIPLEY: Your Honor, no more

12

questions.

13

THE COURT: Mr. Bernabei.

14

CROSS-EXAMINATION

15

BY MR. BERNABEI:

16

Q Good morning, Ms. Davis. So do you have 17 these items that we talked

about that you identified;

25

March 29, 2022

Tammy Davis-D 202

1

2

18

do you have them?

19

A I have some.

20

Q Well let's go through the ones you have.

21

A You want me to start back at the beginning?

22

Q Yes.

23

A Okay. Well, I don't --

24

Q Would it be easier for you to tell us what you don't have?

25

March 29, 2022

Tammy Davis-X 203

1

2

THE COURT: I don't want you to go back
to the beginning.

3

THE WITNESS: Well, some --

4

THE COURT: What do you have of all the

5

pictures you just showed and talked about? What is it

6

that you believe you currently have?

7

THE WITNESS: The rabbit hutch. 8 THE COURT: So you got the
rabbit hutch 9 back.

10

THE WITNESS: Some of the items that she

11

has returned to me, I don't know if I should be

12

speaking about? I was (indiscernible) --

13

THE COURT: No, I just asked you a

14

question.

15

THE WITNESS: Oh.

16

THE COURT: So what other items -- 17 THE

WITNESS: Some of the items that she 18 returned to me have
already been sold.

19

THE COURT: -- and I just want to know

20

what is it that she's returned to you? 21 THE WITNESS:

Small pieces of art -- 22 THE COURT: Which ones?

25

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Tammy Davis-X 204

1

2

23

THE WITNESS: -- small tables.

24

THE COURT: Which art?

You had the Audubon one and --

THE WITNESS: The Audubon has been

returned.

3

THE COURT: Okay. The Audubon has been THE WITNESS: The

4

returned.

5

rabbit hutch has been

6

returned.

7

THE COURT: Yeah. I got that. You had

8

the --

9

THE WITNESS: There were items --

10

THE COURT: You had the mirror-framed

11

artwork.

12

THE WITNESS: It has not been returned.

13

THE COURT: Okay. You had the pictures.

14 I think they were another picture of the bigger one's 15 art.

16

THE WITNESS: Have not been returned.

17

THE COURT: Okay. So you have -- the

18

only art that you can think of that's been returned --

25

March 29, 2022

Tammy Davis-X 205

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2

19

THE WITNESS: -- is the Audubon one -- 20

21

THE COURT: -- the Audubon one that was
the smaller one above the couch.

22

THE WITNESS: Correct.

23

THE COURT: The --

24

THE WITNESS: And I have the rabbit

hutch.

THE COURT: Correct. I know that.

You've said that.

3

THE WITNESS: I'm sorry.

4

THE COURT: You've made that clear. You

5

had the mirror that was next to the front door.

6

THE WITNESS: Has not been returned.

7

THE COURT: Yeah. Oh, there was the

8

bird prints in the bathroom.

9

THE WITNESS: Not returned. 10 THE COURT: And the baskets that were in

11

there.

12

THE WITNESS: Not returned.

13

THE COURT: You had the coined mirror. 14 THE WITNESS: Not
returned. 15 THE COURT: You had the mirrored frame

25

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Tammy Davis-X 206

1

2

16 that had artwork.

17 THE WITNESS: Not returned. 18 THE COURT: The lamp with the

19 hummingbird on it?

20 THE WITNESS: Not returned.

21 THE COURT: The marble table?

22 THE WITNESS: Not returned. 23 THE COURT: The vases that
were in the

24 window?

THE WITNESS: Not returned.

THE COURT: We talked about the little
pictures above the couch. Well, there was an oil 3 painting that you referred to. It was,
I think, on the 4 opposite wall of where the coin one was.

5 THE WITNESS: I think it's been returned 6 and sold.

7 THE COURT: Okay. You had the three 8 glass stems in the garden.

9 THE WITNESS: No. Not returned.

10 THE COURT: You had the end tables? 11 THE WITNESS: Not
returned. 12 THE COURT: And you had the antique

13 birdcage?

14 THE WITNESS: Not returned. 15 THE COURT: And there was the small
16 marble tables that were in that same room.

17 THE WITNESS: Returned.

25

March 29, 2022

Tammy Davis-X 207

1

2

18

THE COURT: Okay. What about the other

19

marble table in which the --

20

THE WITNESS: Not returned.

21

THE COURT: -- the hummingbird was on.

22

THE WITNESS: Nuh-uh. THE

23

COURT: And what about the ones that you couldn't get a

24

good picture of that were behind --

THE WITNESS: Not returned.

THE COURT: -- the couch. Okay. Does

that help, Mr. Bernabei? I think that was all the

3

items that she had indicated that were hers.

4

MR. BERNABEI: All right.

5

BY MR. BERNABEI:

6

Q So did you give these items to Ms. White all

7

at once?

8

A No.

9

Q Did you give any items to Ms. White for 10 gifts?

11

A They were all gifts until she didn't want

12

them anymore, and then they were returned to me.

13

Q And she (indiscernible)--

25

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Tammy Davis-X 208

1

2

14

A I never -- I never took money from her. 15 Q All right. And
she didn't want them anymore

16

once the divorce was filed, right?

17

A No. Throughout -- throughout the

18

relationship that I've had with my sister since she's

19

been in Oregon, I have always decorated her home and

20

traded out those items periodically. So some of

21

the -- none of those items were given all at once. Mr.

22

White knows that I would show up with a carload --

23

Q Okay.

24

A -- he would disappear, and I would redecorate their house.

Q Are you done?

A Okay.

3

Q So the items that you've discussed that

4

you've identified in your testimony, did Ms. White tell 5 you that she didn't

want them anymore after the divorce

6

was filed?

7

A No.

8

Q So when did she tell you I don't want this 9 anymore?

10

A For which item? Because not all of them are 11 in -- even in my possession?

25

March 29, 2022

Tammy Davis-X 209

1

2

12

THE COURT: Any of them. Let's start 13 there.

14

THE WITNESS: Well, like, the hutch.

15

She couldn't take the rabbit hutch with her. So I took

16

it back.

17

THE COURT: You got that one back.

18

THE WITNESS: Right.

19

THE COURT: But of the items that you

20

don't have, of any of those items, did she ever tell

21

you that she didn't want them anymore?

22

THE WITNESS: No.

23

BY MR. BERNABEI:

24

Q Well, where are these items?

A I don't know.

Q Did Ms. White tell you where they are?

A No. I don't know if they're still in her

3 home, her residence that is not hers anymore, or if

4 they're up at her daughter's house. I don't know. I 5 don't know if they're in the garage.

I was told Mr.

6 White was putting a bunch of stuff outside months ago

25

March 29, 2022

Tammy Davis-X 210

1

2

7 to come and get, but I don't know if it's still there. 8 Q All right. So of the
items you have that 9 you -- that you took back, those were taken back after 10 the divorce
was filed. Am I tracking that right?

11

A I -- I assumed the divorce had been filed.

12

Her life was in chaos, and I came and removed some of

13

my items and took them back. I don't know if the 14 paperwork had been filed
yet or not. I -- I don't 15 know.

16 Q Well, what was Ms. White telling you at the 17 time?

18

A My sister was in a puddle. She wasn't

19

telling me much of anything.

20

Q Well, what was the chaos about?

21

A About Mr. White's affair.

22

Q So the -- the divorce had started?

23

A Correct.

24

Q Okay.

A Well, I don't even know if that's correct.

THE COURT: Hold on. Wait until there's a question. Yeah, just wait for
a question.

3 BY MR. BERNABEL:

4 Q So of the items you do not have, were any of

25

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Tammy Davis-X 211

1

2

5 those given by you as a gift to Ms. White?

6 A No.

7 Q Have you been to Ms. White's home in
8 Washington?

9 A I have not. I mean -- 10 Q Where does she live?

11 A She lives with my niece.

12 MR. BERNABEI: Hold on. Your Honor, Mr.

13 Shipley is signaling to the witness.

14 THE COURT: I didn't see anything.

15 MR. BERNABEI: Well, I would just

16 encourage --

17 THE WITNESS: She -- she lives with my

18 niece.

19 MR. SHIPLEY: Your Honor, I did --

20 THE WITNESS: And -- and I have been to

21 my niece's home.

22 MR. SHIPLEY: If I can interrupt --

23 THE COURT: Hold on. Hold on. Hold on.

24 Ms. Davis?

THE WITNESS: But it's not since my
sister has lived there.

THE COURT: Ms. Davis, hold on.

25

March 29, 2022

Tammy Davis-X 212

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3

MR. SHIPLEY: I was -- I did -- my

4

purpose, and for instance, like, he -- she needed to wait for
him to answer to ask his questions.

6

THE COURT: Don't. Don't.

7

MR. SHIPLEY: So I will not do that

8

anymore.

9

THE COURT: Don't send signals to the

10

witnesses.

11

MR. SHIPLEY: I will not do that.

12

THE COURT: All right. Go ahead, Mr.

13

Bernabei.

14

MR. BERNABEI: Thank you.

15

THE WITNESS: Do you want me to repeat

16

the answer?

17

THE COURT: No. You're going to wait

18

for Mr. Bernabei's next question, and then we'll go

19

from there.

20

BY MR. BERNABEI:

21

Q Did Ms. White give you any furniture or

22

furnishings throughout the -- the marriage?

23

A No.

25

March 29, 2022

Tammy Davis-X 213

1

2

24

Q Did Ms. White work with you on your estate sales?

A I don't host estate sales. I don't work estate sales.

3

Q Oh, I'm sorry, antique -- your antique 4 dealing.

5

A Did she work in the shop? She did work at

6

the shop a few days.

7

Q When? Before or after the divorce?

8

A Before.

9

Q How long before?

10

A I was open eight years prior. She probably

11

worked a handful of days for me every year, so I could

12

go on vacation. It wasn't a routine thing. She 13 didn't -- she didn't work for

me often. And I always 14 paid her cash for working. She didn't work for

things.

15

Q So where is your store?

16

A Currently, it's in Salem. My antique mall

17

burnt to the ground in October of last year.

18

Q I'm sorry to hear that.

19

A Me too. I have a new, like, location that's 20 opening in south Salem.

21

Q All right. So Ms. White has not worked at

25

March 29, 2022

Tammy Davis-X 214

1

2

22

the south Salem location. But she did work at the

23

prior location that burnt down?

24

A Correct.

Q Where was that?

A Mount Angel, Oregon.

Q All right. And you paid her cash. How much

3

did you pay her? Was it an hourly rate or a daily

4

or --

5

A She got \$75 a day for working for me.

6

Q And -- and how many hours was that? 7 A It depends on what day she

worked, usually, 8 about six.

9

Q Did Ms. White store any of her furniture or

10

furnishings of these items such as what you testified

11

about at your shop?

12

A No.

13

Q And so you don't know where these other items

14

are that --

15

A I don't.

16

Q -- you left with Ms. White?

25

March 29, 2022

Tammy Davis-X 215

1

2

17

A I have not been back to the home where Mr. 18 White resides, and I have not been up to Washington to 19 where my sister lives, since all this happened. 20 Q Well, certainly you talked to your sister 21 about where these items are, haven't you?

22

A My building burnt down in October. I've been

23

a little busy. I haven't asked her about the stuff. I 24 have not.

Q Have you talked to your sister about where these items are?

A No.

3

MR. BERNABEI: Thank you. Nothing

4

further.

5

THE COURT: Rebuttal. REDIRECT EXAMINATION

6

7 BY MR. SHIPLEY:

8 Q Ms. Davis, just to clarify, is it -- is it

9 your expectation that when your sister no longer wants 10 those items that you will --

you expect to receive them

11

back?

12

A Absolutely. Yes.

13

Q And I think you said that you, like, take

14

pictures for Instagram or something like that, so if a

25

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Tammy Davis-X 216

1

2

15

customer were to see one of those items and want to buy

16

it, is that some situation --

17

A It's an option.

18

Q -- that you think you would go ahead with.

19

A Yes.

20

Q These items that we've identified through the

21

photographs, is it your expectation that they're in the

22

possession of Ms. White or at the home?

23

A I have no idea.

24

Q Okay. Do you -- well, do you trust your

sister that they're not --

25

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Tammy Davis-ReD

A Yes.

MR. SHIPLEY: All right. No more 3 questions, Your Honor.

4

THE COURT: I've got a question. So

5

these items here, I assume if they're items in which

6

you were trying to sell as part of your business, you

7

had pictures of them, and you put it on, like, a

8

website or do anything with these things? Or did you

9

just give them to your sister with the idea of --

10

THE WITNESS: Her --

11

THE COURT: -- whatever she's done with

12

them, so it was a gift, so basically, it becomes part 13 of the

household?

14

THE WITNESS: I used her house as a

15

staging area.

16

THE COURT: Okay. If you're using it as

17

a staging area -- if I may get back to -- if you're

18

using it as a staging area, typically the staging areas 19 because

you're going to take pictures of it and you're

20

going to need it to use it online, on Etsy or something

25

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21

of that nature, or in your shop, you would have

22

pictures of them --

23

THE WITNESS: Correct.

24

THE COURT: -- and people could come in

and/or ask something --

Tammy Davis

THE WITNESS: Correct.

THE COURT: -- and you could say I've

3

got these things, right?

4

THE WITNESS: Um-hum.

5

THE COURT: Are these items the ones

6

that you don't have back? Do you have, like, an Etsy

7

that there's some other verification of these items 8 that --

versus being gifts that you gave to your sister

9

at the end of the marriage?

10

THE WITNESS: Um-hum.

11

THE COURT: No. Okay. Any questions

12

based on those -- the questions that I asked, Mr.

13

Bernabei?

14

MR. BERNABEI: No, Your Honor.

25

March 29, 2022

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15

THE COURT: Mr. Shipley?

16

MR. SHIPLEY: No, Your Honor.

17

THE COURT: Okay. Thank you. You may

18

step down. You can just leave -- yeah, just hand that

19

book up to me real quick and I'll give it back to my 20 staff

person. Thank you.

21

THE WITNESS: Do I need to leave the 22 court, or can I stay?

23

THE COURT: Do either of you intend to

24

call Ms. Davis as a witness going forward?

MR. SHIPLEY: No, Your Honor.

Tammy Davis

THE COURT: Okay. As long as

you're -- nobody intends to call her forward, you may 3 remain in the court here, just

dismissed from this 4 seat.

5

Call your next witness. We have Mr.

6

White, back?

7

MR. SHIPLEY: I call Brian White.

8

THE COURT: All right. Mr. White, if

9

you'll turn on again your video and audio for us,

10

please? You're in the same room?

25

March 29, 2022

220

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11

MR. WHITE: Your Honor, (indiscernible)

12

Hopefully, this is better.

13

THE COURT: You're still jumbled.

14

MR. WHITE: I'm -- I'm sorry, Your

15

Honor. This is the only room I could get at this 16 resort.

17

THE COURT: All right. We'll give it a

18

try. But if it keeps to being where we can't

19

understand then --

20

MR. SHIPLEY: Okay.

21

THE COURT: Again, I put in on the

22

attorney to make sure that people have the right

23

software so they can handle it.

24

THE COURT: Mr. White, if you'll raise

your right hand to be sworn.

25

March 29, 2022

Brian White-D 221

1

2

BRIAN WHITE

called as a witness for the Petitioner, having been duly

3

sworn, testified as follows:

4

THE COURT: All right. Tell us your

5

full name and spell your last name for us, please?

6

THE WITNESS: My name is Brian White.

7

And my last name is spelled W-H-I-T-E.

8

THE COURT: You may inquire.

9

DIRECT EXAMINATION

10

BY MR. SHIPLEY:

11

Q Mr. White, are you aware if your father

12

traveled to Ghana, Africa, in January of 2021?

13

A Yes.

14

Q And do you know what his stated reason was 15

for going?

16

A Yes. He had, in the middle of January, 17 stated that he suddenly needed to

leave to Ghana on a 18 mission trip.

19

Q Did you learn at some point that that was not

20

true?

21

A Yes, I did.

25

March 29, 2022

Brian White-D 222

1

2

22

Q Okay. How did you learn that something was 23 wrong?

24

A My sister was contacted via Facebook by a friend that neither of us ever had before. And this friend was aware that he had gone on a trip and told us that there was -- and he was concerned that my father might be in danger. So my -- he contacted my sister originally, and then he and I spoke. And that's why I learned that he hadn't actually gone for a mission trip. He had gone because of a previous -- 7 MR. BERNABEI: Objection, hearsay. 8 THE WITNESS: -- online relationship

9

that he had started up.

10

MR. BERNABEI: Move to strike.

11

MR. SHIPLEY: Your Honor, the testimony

12

goes to the state of mind, not to the truth of the

13

matter. Because of what it did and what Mr. White will

14

testify to is that it created alarm in his mind, and

15

then he then took certain courses of action that

16

ultimately led to saving Mr. White's life.

17

THE COURT: How is any of this relevant?

18

MR. SHIPLEY: Your Honor, it's relevant

19

because the -- the respondent has filed a contempt

25

March 29, 2022

Brian White-D 223

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20

motion. So a lot of these facts go to my client's

21

state of mind in terms of why she did certain things or

22

why she took certain actions, like why'd she remove

23

some firearms from the home and such. If -- since

24

there is a contempt motion against my client, it's relevant to that

fact is that her state of mind and

what action she took.

THE COURT: Why can't she testify that 3 she did all those things, and

then I don't have to

4

worry about the hearsay?

5

MR. SHIPLEY: Well, we can move past the

6

hearsay and talk about what actions he took because he

7

did certain things and was involved in certain 8 activities and

communications with Mr. White. We could

9

get past the hearsay in that regard.

10

THE COURT: Court will accept the

11

testimony now, not for the truth of the matter 12 asserted, but

only for its effect on the listener and 13 what the listener did

afterwards.

14

MR. BERNABEI: Thank you, Your Honor.

25

March 29, 2022

Brian White-D 224

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15

BY MR. SHIPLEY:

16

Q Mr. White, after you learned this

17

information, what did you do next?

18

A This was on January 26th. I learned this

19

around 8:00 p.m. So I started driving over to my

20

parents' residence. I didn't want to tell my mom this

21

information over the phone. So I waited until I was in

22

the neighborhood, and then I called her and said I had

23

something important I needed to share with her.

24

Q Then what did you do after that?

A

At that time -- because we were told that he

was going to Ghana for evangelism for a mission trip, and the information that I had

received on what he was

3

actually doing there -- it was alarming, concerning.

4

It didn't line up. The first thing I did was I

5

contacted the Washington County Sheriff. And a sheriff

6

came out to the house, and we started filing a missing

7

person's report.

8

Q Did you contact any other authorities?

9

A I did. Over the course of the next couple of

25

March 29, 2022

Brian White-D 225

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10

days, I spoke to the Washington County Sheriff a few

11

times. I called the FBI. I called the consulate

12

trying to help my father get access to the Embassy in

13

Ghana. I called the VA Hospital. I -- I spent the

14

next three days with almost zero sleep trying to 15 coordinate different time

zones and trying to get him 16 safely back home.

17

Q Did you take any actions in reference to the 18 parties bank accounts?

19

A I did. So he had left his laptop logged in

20

to an Ally Bank account in his office. So I pulled up

21

his laptop, and when I pulled up this Ally Bank

22

account, I could see several transactions for varying 23 amounts to the total of

thousands of dollars that were

24 withdrawn from an ATM in Ghana.

Q The ATM --

A This was -- it --

Q -- in Ghana?

3

A Right, this is over -- the ATM was in Ghana,

4

and this was over the course of -- of a few months.

5

Q Okay. And did you happen to have any 6 communication with your

father after that, after you 7 got access to the accounts?

25

March 29, 2022

Brian White-D 226

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8

A I did. So when I got access, I called Ally 9 Bank to freeze his account, worried

that someone would 10 be trying to funnel more money out of their account.

11

Once they froze the account, that is when my father

12

texted me because I -- I was able to get them to change

13

it to my email address. That must've alerted his phone

14

that the account had changed. So he had contacted me 15 wondering if I had -- had

stolen his account. 16 Q So what was your conversation with your 17 father after
that point?

18

A I talked to him. At the time, he told me

19

that he was in an apartment in Ghana. I asked if there 20 was anyone with him
there. He said that there was

21

another man in the room and that he needed to step into

22

a separate room to talk to me. And at that time, I did

23

my best to convince him that whoever he was with, I did

24

not think that they were the person that they said they were. And I asked him just leave
that (indiscernible)

and try to get a taxi to the (indiscernible).

MR. BERNABEI: I'm sorry, Your Honor. 3 He's kind of cutting out there.

I didn't hear that end 4 part.

5

THE COURT: He said apartment is what he 6 basically said.

25

March 29, 2022

Brian White-D 227

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7

MR. BERNABEI: Okay. Yeah.

8

THE COURT: You may ask your next

9

question.

10

BY MR. SHIPLEY:

11

Q Mr. White, you cut out a little bit from the

12

apartment. Where did you want him to go?

13

A I asked him to get a taxi to the U.S.

14

Embassy, hoping that he could get help from the U.S.

15

Embassy.

16

Q And then what happened after that point?

17

A He (indiscernible) couldn't find his

18

passport, so he was not allowed into the Embassy. At

19

that point, it was getting later in the day so I booked

20

a hotel room for him at a Marriott Hotel. And then 21 tried to start figuring out

what I could do to get him 22 back into the country.

23

I -- he had not had a meal. I ordered room

24

service for him. I contacted Delta Air Lines to attempt to move his flight a

week earlier and convinced

them to do that without any change fees. I paid for a COVID test so that he could take a

test and attempt to

25

March 29, 2022

Brian White-D 228

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3 get back into the country.

4 Q And ultimately, was your father -- your 5 father able to return?

6 A He -- he was. He hopped a flight.

7 Initially, the first COVID test had come back positive.

8 And he was able to have them swab, eventually, his

9 other nostril and that one came back negative, which

10 allowed him to board the plane and fly back to the U.S.

11 When he landed, his first stop was at JFK.

12 He went through customs there. And a customs official

13 confiscated a handgun that was in his baggage. At that

14 time, I had to contact Delta again. They had held him

15 too long to make his next connection. So I contacted

16 Delta again and got them to move his flight once more

17 so that he could make it the rest of the way back to 18 Portland.

19 Q After your father was back in the Portland

20 area, did you act as something as an intermediary 21 between your parents?

22 A I did briefly. When he first came back, he

23 went to the VA Hospital for, I believe, maybe a day or

25

March 29, 2022

Brian White-D 229

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24

two. My mom did not want him back -- back in that house. She was shaken by what had gone on. So I arranged (indiscernible) truck (indiscernible) so that he could stay there temporarily.

3

Q Could you --

4

MR. BERNABEI: I'm sorry. I, yeah, I 5 didn't hear that.

6

MR. SHIPLEY: I'm going to ask him

7

after --

8

THE COURT: -- VA.

9

BY MR. SHIPLEY:

10

Q After the VA Hospital, did you say you

11

dropped something for him to have a place to stay?

12

A Yes. I drove the truck and camper to him so 13 that he could stay in the truck and camper while things 14 started to get sorted out.

15

Q Did you tell your mother that your father had

16

attempted to bring a gun or was traveling with a

17

handgun over to Africa, and that he was --

18

A I did.

19

Q -- when he came back?

20

A Yes, I did.

25

March 29, 2022

Brian White-D 230

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21

Q Okay. I'm going to switch gears a little, 22 Mr. White, and go into some other questions -- another

23

line.

24

Did you help your mother prepare the home -- the family home for sale?

A I did what I could. I worked and

(indiscernible) I did. I did help out some.

3

Q Okay. Did you move some firewood?

4

A Yes.

5

Q And where was that wood located? 6 A It was at the back corner of their backyard, 7 behind the hot tub.

8

Q Was it just on the dirt, or where was it -- 9 where was it on?

10

A It was on a -- like a little wooden platform. 11 Q And how big was that

platform?

12

A I didn't measure it, but if I looked at -- we

13

lifted it up to do some cleaning. (Indiscernible)

14

there were 8-foot posts one direction, and it wasn't

15

quite square. So I would say probably 8 feet by 10 16 feet, possibly 12 at the most.

17

Q Okay. And the firewood that -- so you moved

25

March 29, 2022

Brian White-D 231

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18 the firewood, correct?

19 A I did, yes.

20 Q What was the condition of that firewood when 21 you moved it?

22 A We were moving it because we were preparing

23 the home to sell. It was covered in tarps. There were

24 rat feces all over it. I guess one of their neighbors has some chickens, so I'm
guessing they were drawn to

the feed and used that to nest in.

Q Did you see any rats?

3 A Yes, we did. There were a couple of dead 4 ones underneath and then a couple
that scurried away as

5 we lifted the -- the platform up.

6 Q Okay. And did you end up taking that
7 firewood with you?

8 A I did.

9 Q Okay. How experienced are you in dealing 10 with firewood?

11 A I have been using firewood my entire life.

12 Growing up with my parents, we often primarily heated

13 the home with firewood. I live east of Portland and 14 Corbett. I solely heat my
home with firewood. I would 15 say very, very experienced.

25

March 29, 2022

Brian White-D 232

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16 Q And do you know what the size of a cord of 17 wood is?

18 A Yes. It's 4 feet by 4 feet by 8 feet if it's 19 tightly stacked.

20 Q Okay. And what did you transport the wood 21 in?

22 A I used my truck. It's an older Chevy 2500 23 with a standard 8-foot bed.

24 Q Please, if you could turn to your -- I -- you have -- you should have Exhibit 7 with
you. Do you --

A I do.

Q -- have that? Do you have that?

3

A Yeah.

4

Q Okay. Could you please tell the Court what 5 Exhibit 7 is, the first photo
there?

6

A The first (indiscernible) is just a picture 7 of the bed of (indiscernible).

8

Q And when you moved that firewood, did it fill 9 up the bed of that truck?

10

A It did, so (indiscernible), but I did take

11

(indiscernible) my home, truck back, and it was only

12

about half full. And taking it across Portland through

13

town. I didn't even stack it above the -- the

14

sidewall.

15

Q So your testimony is it took one and a half

16

loads in the back of your truck; is that what you 17 testified to?

25

March 29, 2022

Brian White-D 233

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18

A That -- that's correct. So if -- if the

19

truck were stacked to the -- the wall of the bed there,

20

that truck would hold a half of a cord of wood. So in 21 total, it's probably about
three-quarters of a cord of 22 wood, maybe a little bit less.

23

Q Okay. All right. This -- the -- in Exhibit

24

7, there's three more photos of a structure. Could you just tell the Court what
that is?

A Yeah. This is a large woodshed that I built at home.

3

Q All right. And how many cords of wood does 4 that woodshed hold?

5

A I don't stack them (indiscernible) because I

6

want some airflow. But I would say I usually put maybe 7 five or five and a half
cords of wood into that shed.

8

Q Okay. Mr. White, did your father ever make

9

any threats to you?

10

A He did, yes.

11

Q Okay. Please turn your -- turn to Exhibit 8.

12

Or actually, before I move on, Your Honor, I'd offer up

13

Exhibit 7 into evidence.

14

(Petitioner's Exhibit 7 offered into

15

evidence)

25

March 29, 2022

Brian White-D 234

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16

THE COURT: Any objection to 7?

17

MR. BERNABEI: No objection.

18

THE COURT: 7's received.

19

(Petitioner's Exhibit 7 received into

20

evidence.)

21

BY MR. SHIPLEY:

22

Q All right. Sorry, Mr. White, Brian White.

23

Please turn to Exhibit 8 if you could.

24

A Okay.

3

Q

Now, you testified earlier that you had

4

helped your father escape from Ghana, and you had, like, hired or you had paid for a

5

hotel. Would -- did 3 Mr. White, or did your father ever pay you back for any

6

of that?

7

A No, sir.

8

Q Okay. On the second page of Exhibit 8, your

9

father sent you a message there, and is that -- or who

10

sent that message to you? Let me ask you that.

11

A My father sent me that text message. 10

Q

Okay. So these text

12

messages are messages

13

between you and your father?

25

March 29, 2022

Brian White-D 235

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12 A That's correct.

13 Q Okay. So there's a -- there is one here

14 where it says, "You will lose your Netflix job next

15 week if I email these people how you lied and took the

16 guns, which is a felony." So is that -- your father 17 sent that to you?

18 A He -- he did. And he included the picture

19 above it, which is a picture of his laptop where he

20 typed out executives and -- and publicly available 21 emails of, like, the Board of
Directors of Netflix, who 22 is my employer.

23 Q And on the next page, there is a message that

24 says, "Sent to Netflix this morning. Good luck finding another job." Was that
from your father to you?

A It -- it was, yes.

Q Why -- do you know why these were sent you?

3 A At the time, he was insisting that I force my

4 mom to sell -- sell him the house and that I

5 (indiscernible) do that at a lower value of the home.

6 That, in addition to demanding that firearms were 7 returned to him.

8 Q Okay. Did you remove the firearms from the 9 home, or did your mother remove the
firearms from the 10 home?

25

March 29, 2022

Brian White-D 236

1

2

11 A My mom removed the firearms from the home.

12 Q And did you assist her in that?

13 A I -- I did, yes.

14 Q So if -- if we go to the first page of that

15 Exhibit, of Exhibit 8, on the third bubble -- bubble

16 down, it says, "Please tell Mom she needs to provide

17 data to prove the counteroffer." Is that -- what is

18 that? What is your father -- is she -- is your father

19 relying on you to communicate to your mother about his 20 offers or what?

21 MR. BERNABEI: I'm going to object. It

22 calls for --

23 THE WITNESS: That's -- that's --

24 MR. SHIPLEY: Hold on a second, Mr.

White.

THE COURT: Sustained.

MR. SHIPLEY: Okay.

3 BY MR. SHIPLEY:

4 Q Was your father communicating to you about 5 the offers that he was making to your

mother? 6 A Yes. Even though I -- I had asked him not to 7 several times.

8 Q What did your father ask you to communicate

9 to your mother?

25

March 29, 2022

Brian White-D 237

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2

10 A He -- he would attempt to have me
11 communicate, I guess -- I don't know -- bypassing the 12 attorneys or something.

He was asking to

13 (indiscernible) reference to these text messages. He
14 was wanting other information about the value of the 15 home.

16 Q Okay. Did your father ever leave you
17 voicemails or call you?

18 A He did, yes.

19 Q And what -- what was the nature of those 20 calls and voicemails?

21 A Again, I had told him several times not to
22 contact me. But I would periodically get text messages
23 or voicemails. The voicemails, again, I mentioned at
24 one point he wanted me to force Mom to sell him the house at a cheaper price. I
was told that if I did not

do this that he would sue the shit out of me. Sorry for the language. I was told that I
would be sued for 3 everything I've ever made and everything I'm ever going

4 to make. Those were his words.

5 Q Okay.

6 MR. SHIPLEY: Your Honor, I'm not going

7 to bother -- technically, I think trying to get their
25

March 29, 2022

Brian White-D 238

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8

voicemail -- I'm not going to try to -- it would be a 9 nightmare.

So we'll -- I'll rest at that. Same with

10

this.

11

THE COURT: Mr. Bernabei.

12

MR. BERNABEI: Thank you, Your Honor.

13

CROSS-EXAMINATION

14

BY MR. BERNABEI:

15

Q Good morning, Mr. White. My name is Vince

16

Bernabei. I have a few questions for you. I represent

17

your father. You filed a restraining order against

18

your father, right?

19

A I did, yes.

20

Q And that was in Multnomah County, correct?

21

A Correct.

22

Q And that was in August of 2021, correct?

23

A I -- I believe so -- I, yeah.

24

Q All right. And your request for a

restraining order was denied; is that correct?

25

March 29, 2022

Brian White-X 239

1

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A That's correct.

Q Let's go to -- do you have your restraining
order? Do you have the exhibits in front of you?

3

4

A I'm sorry, I -- I don't.

5

6

Q That's all right. We can -- we can walk
through it. In your petition for the restraining 7 order, you indicate "My father
is not mentally stable."

8

Do you recall writing that?

9

A I do, yes.

10

Q And that was under oath, right?

11

A I -- yes. I guess I'm not 100 percent sure.

12

Q Well, you submitted this in court, right?

13

A Yes.

14

Q And -- and so would it be fair to say that

15

that's truly how you felt?

16

A Yes.

17

Q And you still feel that way, correct?

18

A Yes.

19

Q And that's because of the Ghana trip that you 20 just spoke about,
correct?

25

March 29, 2022

Brian White-X 240

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21

A Correct. If -- if -- if I could, as well

22

(indiscernible) to sue his son, trying to get me fired

23

from my job, the things I just testified to. I, yeah, 24 it was a painful time.

Q Which is extraordinarily different from your father's behavior and your relationship prior to 2021, right?

3

A Yeah. He had never threatened to sue me in 4 the past if that's what you mean.

5

Q Well, at least up until 2021, you two had a 6 cordial relationship, right?

7

A We had a good enough relationship. I would

8

say we -- we didn't spend a whole lot of time together,

9

but, yeah, I invited him up to my cabin, for example.

10

Q And you have children, right?

11

A I do, yes.

12

Q And Mr. and Ms. White, your -- your parents,

13

would socialize with you, your family, your children,

14

correct?

15

A Correct.

16

Q But you noticed a big difference in Dave 17 White's demeanor and his behavior in -- starting in

18

early January of 2021; is that right?

25

March 29, 2022

Brian White-X 241

1

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19 A (Indiscernible) I would actually say 20 I've -- I've seen a change in him maybe
over the past 21 four to five years.

22 Q Oh, so this is a gradual change. It's not 23 just an abrupt change; is that right?

24 A It definitely became significantly more
aggressive recently.

Q And did you feel that Mr. White was obsessed with the climate change
work that he was doing?

3 A Yes.

4 Q Did that cause you concern for his mental 5 health?

6 A Yeah. I would say seeing someone obsess over
7 one individual, (indiscernible) thing. Yeah, I was 8 (indiscernible).

9 Q And r.. White was threatening to have you 10 arrested? He was threatening
to tell your employer, 11 trying to get you fired. Correct?

12 A Correct. He didn't just threaten. He sent
13 (indiscernible). I had to contact my boss, my head of
14 HR, to give them a heads up that they might see this 15 email come through.

16 Q And -- and that is out of character, at least
17 for the few years preceding, when he actually did that,
18 right?

19 MR. SHIPLEY: Objection, calls for

25

March 29, 2022

Brian White-X 242

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20

speculation --

21

THE WITNESS: Yes and no. 22 MR. SHIPLEY: -- like mental
health 23 manipulation.

24

THE COURT: (Indiscernible) It's just
out of character, is it not?

MR. SHIPLEY: Okay.

THE COURT: Not calling for any -- you 3 may answer the question, Mr.

White.

4

THE WITNESS: Okay. I would say out of

5

character to -- to be that aggressive. The thing that

6

wasn't out of character was if there was something that

7

he wanted, he always needed to get his way. He was not

8

the person that would really ever -- ever compromise or

9

ever -- look for, I guess, any kind of common ground.

10

BY MR. BERNABEI:

11

Q Mr. White, you talked a little bit about your

12

job. What do you do at Netflix?

13

A I am a director of relations for the DVD

14

division of Netflix.

15

Q I -- I missed that, requisitions?

25

March 29, 2022

Brian White-X 243

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16

A I'm sorry. Director of content operations.

17

Q Are you involved in hiring at Netflix?

18

A I -- I have been. Not recently, but

19

(indiscernible) many people at Netflix.

20

Q Yeah. What do you think a restraining order

21

-- how does that affect a hiree's opportunities?

22

A I -- I don't actually know.

23

Q All right. Let's talk a little bit about

24

these guns. First off, how many guns are we talking about?

A I -- I don't remember the specific number.

My guess would be maybe five or six.

3

Q Did you remove the guns from the White home?

4

A I helped my mom remove them from the home.

5

She was concerned. For example, if they were loaded, 6 being able to unload it to safely transport them.

7

Q Since you just walked us through this, here's

8

what I was wondering, Mr. White. Did you take the guns 9 from the property?

10

A Yes. So I went over. My mom showed me where

11

the guns were located and helped me load them into the

12

car.

25

March 29, 2022

Brian White-X 244

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2

13

Q And when did that happen?

14

A I -- I don't recall the exact date.

15

Q Where was Mr. White, your father? 16 A Mr. White, I

(indiscernible) he was staying 17 in an RV at the time.

18

Q So this was after he came back from Ghana?

19

A Right.

20

Q After the divorce case was filed? Right?

21

A Correct.

22

Q Your mother asked you to remove the -- the 23 guns. You take the
guns. Where do you bring them?

24

A They were stored in my barn in a safe for a short period of time until my mom
could come, and we

went and turned them into the -- it was the Multnomah County Sheriff.

3

Q All right. And other than the guns, anything 4 else that you took at that time?

5

MR. SHIPLEY: Objection. He's saying,

6

"He took." So is it -- is he saying -- is he

7

clarifying regarding the wife, whether --

8

THE COURT: Just rephrase your question.

9

MR. BERNABEL: I'm sorry. Thank you,

10

Your Honor.

25

March 29, 2022

Brian White-X 245

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11

BY MR. BERNABEI:

12

Q Mr. White, what I'd just like to be real

13

clear on is: We talked about five or six guns your

14

mother asked you to remove. And so you took those

15

guns, you stored them in a -- on your property

16

somewhere, right?

17

A Correct.

18

Q What other items did you take at that time 19 or -- or

did your mother give you at the time? 20 A There was a

chest freezer. And I believe her

21

two kayaks. And that's all I can recall.

22

Q Was there any ammunition?

23

A I -- I believe so. I -- I assume there

24

would've been.

Q Do you know how many rounds?

A I don't.

Q So you didn't inventory at the time? Is that

3

right?

4

A I -- I did not, no.

5

Q Was there military artifacts?

25

March 29, 2022

Brian White-X 246

1

2

6 A Not to my knowledge.

7 Q What about, like, containers?

8 A There was -- they were in a -- like a hard

9 plastic case, is what I would call it.

10 Q What was in that hard plastic case? 11 A The guns were in, like,
a big, hard plastic 12 case.

13 Q Was ammo, loose ammo in that case also?

14 A I -- I believe so.

15 Q Were there holsters in that case?

16 A I don't remember.

17 Q How about this? Do you remember going to the

18 Multnomah County Sheriff's office and -- with your

19 mother, to turn the items over to Multnomah County

20 Sheriff.

21 A Yes.

22 Q The items that you brought that you and your

23 mother brought to Multnomah County Sheriff, are those

24 the same items that we're talking about here -- the guns, the container,

whatever else there may have been?

25

March 29, 2022

Brian White-X 247

1

2

A Yes, sir. The -- the entire container was handed over to the sheriff.

3

Q And you were with your mother when she did

4

that?

5

A Yes, I was.

6

Q And you heard your mother say she wanted all 7 of these items
destroyed; is that correct?

8

A Yeah. (Indiscernible) I think we were asked 9 if -- I believe we were asked if we
wanted them -- or,

10

sorry. That's right. We were told we could either

11

take them to a second-hand store and attempt to sell

12

them, just have them destroyed by Multnomah County 13 Sherriff. And on their advice,
we did.

14

Q And at the time that you brought -- you and

15

your mother -- brought those firearms and other items

16

to Multnomah County Sheriff's, were you aware that your

17

father was requesting that those be put in the hands of

18

a neutral party.

19

A I remember him asking to get the guns. 20 I -- I don't recall for sure if
there was -- asked for 21 a neutral party or not.

22

Q Okay. Did you ever have any discussion with

25

March 29, 2022

Brian White-X 248

1

2

23

your mom during this time about, hey, you know

24

there -- there is a restraining order, maybe we shouldn't be doing this?

MR. SHIPLEY: Objection, that assumes that he understands that there
was a statutory

3

restraining order.

4

THE COURT: Overruled. He can answer

5

the question.

6

MR. SHIPLEY: Okay.

7

THE WITNESS: I'm sorry. Can you state

8

that again?

9

BY MR. BERNABEI:

10

Q Sure. Did -- at the time you're turning the

11

guns and the -- the firearms and all this other stuff

12

you talked about, did it -- did you ever discuss with

13

your mother that, you know, there was a restraining 14 order in
the divorce case.

15

A I was -- I was not aware of a restraining 16 order. We were told by the sheriff

that she had the

17

right to turn in firearms for any reason at any time.

25

March 29, 2022

Brian White-X 249

1

2

18

Q Let's go to some of these firearms. Do you 19 know how your father acquired

these firearms? 20 A There were -- there are a couple I know he 21 had

had for a while. There was a hunting rifle.

22

I -- I assumed he purchased it. I wasn't involved with

23

the purchase. There were also -- there was at least

24

one handgun I believe he had. And then there were a couple of older guns that were
my grandfather's. And I believe that he got those after my grandfather passed away.

3

Q So he inherited a couple of these guns?

4

A Yeah, I believe so.

5

Q And you were aware that --

6

A To -- to be fair the -- I'm sorry, go ahead. 7 Q You were aware they held special
significance 8 to him.

9

A No. The -- the other guns were, honestly, I

10

would describe them as junk. The one that would have

11

been significant to him would be maybe his hunting

12

rifle and probably the handgun that he took with him.

13

I believe that there was a second one that was similar

14

to that. The other ones were mostly junk. I think

15

that's how the -- the sheriff described them as well.

16

Q So you're telling us, Mr. White, that the

25

March 29, 2022

Brian White-X 250

1

2

17

guns that he inherited from his father were 18 insignificant to him? Is that -- is
that your 19 testimony?

20

A I (indiscernible) can't speak to how

21

important they were to him. I will say that he never

22

brought them up to me previously. And looking at them, 23 they were not
taken care of. They were not in good

24 shape. I -- I honestly don't know if some of them were working.

Q All right. Let's go back to your restraining order petition. You -- you
indicated there that after

3

your mother filed for divorce, there was a May hearing.

4

Mother was granted exclusive use of the home to prepare 5 for sale. Do you recall
stating that?

6

A I -- sorry. I don't have it in front of me.

7

But if that's what's on there, then yes.

8

Q I'm looking at Exhibit 131, page 207, at the

9

bottom. So you were at the hearing, that -- the May

10

2021 hearing, right?

11

A Yes, I was.

12

Q And you heard the Judge say that the purpose 13 of the support was for
your mom to prepare the home for 14 sale. Is that right?

25

March 29, 2022

Brian White-X 251

1

2

15

A I'm sorry. You're referring to the -- the

16

spousal (indiscernible)?

17

Q Yes.

18

A It was for (indiscernible)

19

Q You kind of broke up there. I'm sorry. It

20

was for her to prepare the home for sale?

21

A That's my understanding, yes.

22

Q Yeah, okay. So you returned the freezer and

23

the two -- one kayak, correct?

24

A That's correct, yes.

Q And you used the firewood, correct?

A Yeah, I -- I used most of it. There was some of it that just went to a scrap burn

pile. 3

Q Your father asked you to return that this

4

winter, right?

5

A Yes.

6

Q And you knew that he used the wood to heat

7

the home, right?

8

A Well, yes.

9

Q And you did not return it to him on request,

10

right?

25

March 29, 2022

Brian White-X 252

1

2

11 A Correct.

12 Q Let's talk about when you moved the firewood.

13 Was it after the divorce was filed?

14 A Yes. So it -- it would have been after that

15 May hearing after she was granted exclusive use to the 16 home to prepare it
to sale. It was removed as part of 17 preparing it for sale.

18 Q And that was in your mother's request, right,
19 you removed it.

20 A Yes.

21 THE COURT: How much more time do you
22 think you're going to have, Mr. Bernabei, with this 23 witness?

24 MR. BERNABEI: I'm on my last line right
now.

BY MR. BERNABEI:

Q Did you -- you said you changed the Ally Bank
3 account to your email address; is that right?

4 A Yes, sir. Or either put it in my email 5 address or put it -- it -- somehow, I put my
name on 6 it. Yeah.

7 Q And you were concerned because you thought, 8 not just the mental instability,
but that Mr. White was

25

March 29, 2022

Brian White-X 253

1

2

9 being taken financially advantage of, correct?

10 A Yeah. At the time, it was apparent that 11 someone was draining their
account. There were ATM 12 withdrawals from Ghana.

13 Q So you didn't trust him in that time to be 14 managing his own finances,
correct?

15 A Well, I wouldn't say that. I asked for the
16 account to be frozen. I didn't, like, take -- I didn't
17 access the account myself. I -- sorry. I should say I
18 didn't -- I did not remove any funds or did not manage
19 the accounts. I simply asked them to freeze the 20 account so that there
wouldn't be further withdrawals 21 from Ghana.

22 Q And you did that because you didn't think Mr.
23 White had the capacity to do that, right?

24 A No. It -- at the time, I didn't know what was going on. I had seen that
there were withdrawals

for months to an ATM in Ghana. So my assumption at that point was maybe someone
has access to his account

3 without his knowledge, or their something fishy going

4 on here. So just like I would do with my personal 5 finances, I tried to get it stopped.

6 Q And other than the Ally Bank, have you also

25

March 29, 2022

Brian White-X 254

1

2

7 accessed other accounts of Mr. White, of your father?

8 A Yeah. When his -- well, I don't know if you 9 want to call it an account.

When his laptop was there

10 logged in, I pulled up his email as well. Again, he 11 was caught in a foreign country. At

least, that's what

12 he had said and information that's -- still concerning.

13 I tried to get as much information as I could to piece 14 together where he had gone or
what might've happened.

15 Q Okay. Did you ask him to reimburse you for

16 the expenses you incurred in -- in your investigation

17 in getting him to returned from Ghana?

18 A No, I did not.

19 MR. BERNABEI: Thank you, sir. That's 20 all I have.

21 THE COURT: Mr. Shipley, any other

22 questions?

23 MR. SHIPLEY: Just a couple.

24 REDIRECT EXAMINATION

BY MR. SHIPLEY:

25

March 29, 2022

255

Brian White-ReD

Q Mr. White, why did you file a restraining order against your father?

THE COURT: We lost him.

MR. SHIPLEY: Oh.

THE WITNESS: (Indiscernible) several

times. I'm sorry, did I break up?

THE COURT: You did.

THE WITNESS: I asked him several times

to not contact me. And I'd received those -- those

threats about my employment and suing me. And I simply 11

wanted him to stop contacting me. I was honestly

worried that -- that he would escalate. That's what he

had continued to do is threaten and threaten and

threaten.

BY MR. SHIPLEY:

Q Okay. Mr. Bernabei had asked you about the

purpose of the temporary support that Judge Fun had 18 ordered in this case.

Are you aware if your mother had

any income in May of 2021?

March 29, 2022

256

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2

20

A Not that I'm aware of.

21

Q Do you know what you and your sister -- well, 22 did you provide your mother with financial support?

23

A Yes. So I -- I loaned my mom some money for

24

your retainer. I helped her buy a few things to either repair the home or -- or otherwise get it ready for its Brian White-ReD

sale. My sister has done similar things.

Q Okay.

3

MR. SHIPLEY: No more questions, Your

4

Honor.

5

THE COURT: Okay. Thank you, Mr. White.

6

All right. So next dates we have

7

available for you all are the July 14th -- no. I'm

8

actually not available for those dates.

9

THE CLERK: Okay.

10

THE COURT: I have put them in the

11

calendar yet, but the 14th or the 15th. 12

MR. SHIPLEY: So is it the 14th is

13

available then?

14

THE COURT: It's not.

25

March 29, 2022

257

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15

MR. SHIPLEY: Okay.

16

THE COURT: Nor is the 18th. Any dates

17

either later?

18

(Court and clerk converse)

19

THE COURT: So July 25th at 1:30.

20

MR. SHIPLEY: Is there any possibility

21

of getting a lengthier piece of block of time, Your 22 Honor?

23

THE RESPONDENT: Maybe in September or 24 something like that.

MR. SHIPLEY: So July 25th at 1:30, we

have the afternoon at least?

THE COURT: Yes. Unless we schedule

3

something else afterwards? I don't control what

4

others -- when others --

5

MR. SHIPLEY: No, I won't -- 6

THE COURT: -- people decide to get

7

divorced. It's a modification.

8

MR. SHIPLEY: I haven't made my 25th-

9

anniversary plans yet, so --

10

THE COURT: I wish I could control what

11

the other folks do on the outside --

25

March 29, 2022

258

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12

MR. SHIPLEY: I won't go that weekend. 13

THE COURT: -- and decide to -- as Will

14

Smith says, after he slapped the guy, right? "Peace.

15

Love."

16

THE CLERK: Yeah.

17

THE COURT: Yeah, wish I could help.

18

MR. SHIPLEY: So July 25th at 1:30? 19

THE

COURT: July 25th at 1:30 if that

20

works for you, Mr. Bernabei?

21

MR. BERNABEI: Yes.

22

THE COURT: Okay.

23

MR. BERNABEI: It does, Your Honor. 24 THE COURT: All right.

MR. SHIPLEY: Could we get, like, a

backup date -- another day after that in case we don't get done on that day. I'm just
saying --

3

THE CLERK: Maybe we could book both 4 days.

5

THE COURT: So July 26th at 1:30.

6

THE CLERK: Yep.

7

MR. SHIPLEY: All right. So if we could

8

book both days then for --

25

March 29, 2022

259

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2

9

THE COURT: Yeah.

10

MR. BERNABEI: Oh, yeah.

11

THE COURT: I -- I just hope we get past

12

the squabbling over cords of wood.

13

UNIDENTIFIED SPEAKER: Um-hum.

14

THE COURT: If we're squabbling over

15

cords of wood and stuff like that, you guys

16

realize -- and that's probably more for you, Mr.

17

White -- realize that you just paid him today -- for 18 his

19

services today, you could've bought, probably, two

or three cords of wood.

20

UNIDENTIFIED SPEAKER: Um-hum.

21

THE COURT: Yep. But I'll let you

22

guys -- if you guys can't figure things out and you

23

want to squabble, and then pay -- good attorneys, don't

24

get me wrong -- good attorneys, they earn every bit of money

that you decide to pay them. You certainly can,

but --

MR. SHIPLEY: So, Your Honor -- 3

THE

COURT: -- I highly encourage you

25

March 29, 2022

260

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4
5
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12
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18

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22
23
24
25

guys to keep chatting and figure things out.

MR. SHIPLEY: In -- the silent auction
item, Your Honor --

THE COURT: Yep.

MR. SHIPLEY: And so basically -- my
understanding is that after you've heard all testimony, 10 then you'll review that.

THE COURT: I'll review that, and if I
think it's an item that should've been a marital asset
and that the highest bid gets that one and
(indiscernible)

MR. SHIPLEY: Thank you, Your Honor. 16 THE COURT: Yep.
Yep. All right.

MR. BERNABEI: So just to clarify, you
really won't tell us anything about those lists -- 19

THE COURT: -- until final judgment. 20

MR. BERNABEI: -- until the conclusion
of the case.

THE COURT: Correct.

MR. BERNABEI: Yeah.

THE COURT: Yep.

March 29, 2022

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MR. BERNABEI: Thank you, Your Honor.

July 25, 2022

262

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THE COURT: We are in recess.

(Proceedings concluded at 12:20 p.m.)

3

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July 25, 2022

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July 25, 2022

3

TRANSCRIPT OF COURT TRIAL
THE HONORABLE D. CHARLES BAILEY
CIRCUIT COURT JUDGE.

4

5

APPEARANCES:

6

For the Petitioner: Attorney at Law
By: James T. Shipley
Portland, OR 97321

7

8

For the Respondent: Pro Se
By: David C. White
Portland, OR, 97229

9

10

11

(1:29 p.m.)

12

THE COURT: All right. This is Julia

13

White v. David White matter. There are several

14

matters: 21DR02783, 21CN04539, 21CN04610, 22CN01156,

15

and 22CN02186. We have Mr. Shipley here on behalf of 16 Ms.

White, and Mr. White now representing himself for 17 the

continuation of our trial.

25

July 25, 2022

264

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18

Anything we need to take up before we

19

get going with the substantive part of our hearing?

20

MR. SHIPLEY: Not that I'm aware of,

21

Your Honor.

22

THE COURT: Okay.

23

MR. WHITE: Yes, Your Honor.

24

THE COURT: Go ahead.

MR. WHITE: I would like to talk about

the perjury of three of their witnesses.

THE COURT: No.

3

MR. WHITE: I'd like you to --

4

THE COURT: No.

5

MR. WHITE: -- order the Court to give

6

me their testimony so I can submit it to the DA.

7

THE COURT: FTRs are right there. You

8

just go downstairs. That's what this is. You just go

9

downstairs. You pay them money. They'll get your 10 recording. And you submit it to

the DA's office. Good

11

luck.

12

MR. WHITE: Okay.

25

July 25, 2022

265

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13

THE COURT: Anything else?

14

MR. WHITE: I have a USB here to give

15

you that shows what the house was like on March 11th, 16 and

then how she gutted the house and what was left on 17 August

20th.

18

THE COURT: It may come into evidence, I

19

don't know. But when you decide to put whatever

20

testimony you decide to put on, there has to be a basis

21

for the Court to receive. Somebody has to lay a

22

foundation.

23

MR. WHITE: Okay.

24

THE COURT: Thanks. MR. WHITE: I will.

THE COURT: And I assume you've turned everything over, all those
pictures over to Mr.

3

Shipley?

4

MR. WHITE: He already had them. He

5

gave them to my attorney, so --

6

THE COURT: Perfect.

7

MR. WHITE: Yeah.

8

THE COURT: Okay. Anything else? Any

25

July 25, 2022

266

1

2

9

other motions or --

10

MR. WHITE: When are we going to hear

11

the contempt against her for what she did illegally

12

taking stuff out of the house?

13

THE COURT: We'll get there.

14

MR. WHITE: Okay.

15

THE COURT: There's a lot of things

16

pending on this. Probably sometime about the same time

17

we get into some of the contempts, on you violating

18

certain orders according to them by, in their words,

19

"harassing," so --

20

MR. WHITE: Okay.

21

THE COURT: -- we'll get into all of

22

those. Yep.

23

MR. WHITE: Okay.

24

THE COURT: There's a lot of back-and-

forth for sure. Remind everybody if you have any

25

July 25, 2022

Sean Psaradelis-D 267

1

2

witnesses here that -- they're potential witnesses, all potential witnesses need to remain outside. With that 3 then, I'll let you call your next witness.

4

MR. SHIPLEY: Yeah. My next witness is

5

remote, so --

6

THE COURT: Okay.

7

MR. SHIPLEY: I'm going to call him

8

right now, Your Honor, and have them -- tell him to log

9

in.

10

THE CLERK: I do have somebody logged in 11 right now.

12

MR. SHIPLEY: Is that Sean (phonetic)

13

Psaradelis?

14

THE CLERK: Yep. He is here.

15

MR. SHIPLEY: There we go. He's ready.

16

THE COURT: Psaradelis, if you'll turn

17

your video on for us, please?

18

MR. PSARADELIS: Okay. I'm on. 19 THE COURT: Thank you. If

you could

20

raise your right hand to be sworn.

21

SEAN PSARADELIS

25

July 25, 2022

Sean Psaradelis-D 268

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22

called as a witness for the Petitioner, having been duly

23 sworn, testified as follows:

24

THE COURT: All right. Again, tell us

your full name and spell your last name, please.

THE WITNESS: Full name is Sean

Psaradelis, spelled P as in Paul, S as in Sam,

3

A-R-A-D-E-L-I-S.

4

THE COURT: Thank you.

5

You may inquire.

6

MR. SHIPLEY: I have a couple of

7

exhibits.

8

THE COURT: Um-hum.

9

MR. SHIPLEY: Or just one exhibit, I

10

think the original and the bench copy.

11

THE COURT: Okay. 12 DIRECT EXAMINATION

13

BY MR. SHIPLEY:

14

Q Mr. Psaradelis, could you tell the Court

15

where you are employed?

16

A Yeah. I work at Capstone --

17

Capstone Home Loans out of Lynnwood, Washington.

25

July 25, 2022

Sean Psaradelis-D 269

1

2

18 Q And what -- what do you do for that company?

19 A I'm a mortgage loan officer.

20 Q And how long have you been in the mortgage

21 loan business?

22 A About 22 years.

23 Q Okay. Were you asked to give some estimates

24 of loans for Ms. White for this case?

A I was.

Q Okay. And I am -- I just -- well, I emailed you the exhibit, Exhibit 31. Do
you have that in front

3 of you there?

4 A I do.

5 Q Okay. And are these the estimates that you

6 came up with?

7 A Yes, they are.

8 Q Okay. And were these scenarios that we asked 9 you to provide
estimates for?

10 A Yeah, these are estimates that I was asked to

11 provide for -- for your client, yes, on looking at

12 purchasing a home.

25

July 25, 2022

Sean Psaradelis-D 270

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13

Q Okay. And so for the Court's information, it

14

looks like there's three scenarios. And if you could

15

kind of give the highlights of those three scenarios?

16

A Yeah. Yeah. There are three scenarios:

17

\$400,000 price, \$450,000 price, and \$500,000 price.

18

Each of them have a \$200,000 down payment. And I try

19

to include estimated taxes and insurance to show my 20 clients what the

payments -- full payments will look 21 like on all three of those purchase prices.

22

And then down at the bottom, you'll see the

23

estimated cash needed for closing, which includes your

24

down payment, your closing costs, and collection of rebate items.

Q Okay. And for the record, on the \$400,000 loan, what was your
estimated total payment?

3

A Well, \$1,566.

4

Q And then for the \$450,000 purchase price?

5

A \$1,911.

6

Q And then for the \$500,000 purchase price?

7

A \$2,257.

8

Q Okay. Do you know right now whether or not 9 Ms. White would qualify
for any of these loans?

25

July 25, 2022

Sean Psaradelis-D 271

1

2

10 A She's not submitted her paperwork in for an 11 official loan approval but
based on the initial 12 conversation, it seems highly unlikely that she would 13 qualify for
these.

14 Q If -- I believe you're familiar with Ms.

15 White's daughter, Laura Bramwell; is that correct?

16 A Correct.

17 Q If Ms. Bramwell and her husband were to give
18 their financial backing to a loan and agree to cosign, 19 would she be able to
qualify for these loans?

20 A Without looking at the full documentation, it
21 would be hard to get that answer. Although I would
22 tell you based on the knowledge I have of their
23 finances, I believe that she would.

24 Q Okay.

MR. SHIPLEY: Your Honor, we offer
Exhibit 31 into evidence.

(Petitioner's Exhibit 31 offered into
3 evidence)

4 THE COURT: Any objection, Mr. White?

5 MR. WHITE: Yes.

25

July 25, 2022

Sean Psaradelis-D 272

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2

6 THE COURT: What's your objection?

7 MR. WHITE: My objection is very simple.

8 I doubt -- well, from his own testimony, she hasn't

9 even applied. I doubt she would -- from her deposition 10 testimony --

11

THE COURT: Do you have any objection to

12

the exhibit? You're kind of --

13

MR. WHITE: Yes.

14

THE COURT: -- giving me the testimony.

15

MR. WHITE: Sorry.

16

THE COURT: But what is your specific 17 objection to the exhibit?

18

MR. WHITE: These numbers are nonsense.

19

I have graduate studies, and I took engineering

20

finances, and regular finances in college.

21

THE COURT: So those are getting into

22

the merits. Maybe you'll ask --

23

MR. WHITE: All right.

24

THE COURT: -- Mr. Psaradelis any

questions you have based --

MR. WHITE: Okay.

THE COURT: -- on those numbers. But do

25

July 25, 2022

Sean Psaradelis-D 273

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3

you have any objections to the exhibit itself?

4

MR. WHITE: I guess not.

5

THE COURT: Okay. 31 is received.

6

(Petitioner's Exhibit 31 received into

7

evidence.)

8

MR. SHIPLEY: No more questions, Your

9

Honor.

10

THE COURT: Go ahead, Mr. White. You

11

may ask him questions.

12

CROSS-EXAMINATION

13

BY MR. WHITE:

14

Q All right. Sean, who contacted you first

15

about this?

16

A Laura Bramwell did.

17

Q Okay. How do you -- well, you said that she

18

probably wouldn't qualify, right?

19

A Um-hum.

20

Q These houses -- I mean, I will easily

21

stipulate that the houses in Seattle are easily 10 to

22

20 percent more than the houses in Oregon, as you

23

probably know that. Also, because of Biden

25

July 25, 2022

Sean Psaradelis-D 274

1

2

24

inflation --

MR. SHIPLEY: Objection, Your Honor. Is

25

July 25, 2022

Sean

275

1

2

Psaradelis-X

there a question?

MR. WHITE: Yes. I'm -- I'm getting to 3 that.

4

THE COURT: There was a lot of other

5

information that -- without somebody testifying to. I

6

just --

7

MR. WHITE: Well --

8

THE COURT: -- just ask your question.

9

MR. WHITE: Yes.

10

THE COURT: Get to the heart of it. 11

MR.

WHITE: Well, I guess I won't. Then

12

I'll just leave it the way it is.

13

THE COURT: Okay.

14

MR. WHITE: No more questions, Your 15 Honor.

16

THE COURT: Thank you, Mr. Psaradelis.

17

MR. SHIPLEY: Thank you, sir.

18

THE COURT: You may -- 19 THE WITNESS: All good.

20

THE COURT: Yep. You may go.

21

MR. SHIPLEY: All done.

22

THE COURT: Yep.

25

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Tammy Davis 276

1

2

23

THE WITNESS: Okay. Thank you.

24

THE COURT: Call your next witness.

MR. SHIPLEY: Your Honor, I'm going to

-D

call Tammy Davis. She testified previously, but she had some information that arose after
she testified --

3

THE COURT: Okay.

4

MR. SHIPLEY: -- since last time. 5

THE

COURT: Okay. Ms. Davis, come on

6

forward. Raise your right hand to be sworn.

7

TAMMY DAVIS

8

recalled as a witness for the Petitioner, having been

9 duly sworn, testified as follows:

10

THE COURT: Go have a seat. Once you're

11

seated, you can tell us your full name and spell your 12 last name,
please.

13

THE WITNESS: Tammy A. Davis, D-A-V-I-S.

14

THE COURT: You may inquire.

15

DIRECT EXAMINATION

16

BY MR. SHIPLEY:

25

July 25, 2022

Tammy Davis 277

1

2

17

Q Ms. Davis, you previously testified earlier 18 in
this trial that there was property remaining in the

19

home that belonged to you; isn't that correct?

20

A Correct.

21

Q After you completed your testimony at our

22

last hearing date, did Mr. White talk to you?

23

A Yes.

24

Q And could you tell the Court what he told you?

A He said, "You can come by and get your things."

3

Q Okay.

4

MR. SHIPLEY: No more questions, Your 5 Honor.

6

THE COURT: Mr. White, do you have any

7

questions for the witness?

8

MR. WHITE: Yes, I do. 9 THE COURT: Go ahead.

10

CROSS-EXAMINATION

11

BY MR. WHITE:

12

Q Ms. Davis, you testified in the previous

13

testimony that a bunch of these pictures were your

14

items.

15

A Yes.

25

July 25, 2022

Tammy Davis 278

1

2

16

Q But a bunch of the things that Julie took out

17

of the house are clearly at our daughter's house in

18

Sammamish that you said were yours. And I know for a

19

fact they are not because I helped her unload those

20

from --

21

MR. SHIPLEY: Your Honor --

22

MR. WHITE: So I'm getting to a

23

question. So I'm asking you --

24

THE COURT: We'll strike all that

other --

-X

MR. WHITE: All right.

THE COURT: -- basically the testimony.

3 BY MR. WHITE:

4 Q Did you lie in your previous testimony?

5 A No.

6 Q Who -- okay. All right. That's fine. I'll

7 prove you did. Thank you.

8 THE COURT: Any rebuttal? 9 MR. SHIPLEY: No more questions, Your 10 Honor.

11

THE COURT: You may step down.

12

You may call your next witness.

25

July 25, 2022

Tammy Davis 279

1

2

13

MR. SHIPLEY: Your Honor, then I'll call

14

Laura Bramwell, the daughter of the parties. She's in 15 the hall.

16

THE COURT: Come forward. Watch your

17

step up there. So raise your right hand to be sworn.

18

Raise your hand.

19

LAURA BRAMWELL

20

called as a witness for the Petitioner, having been duly

21 sworn, testified as follows:

22

THE COURT: Go have a seat. Once you're

23

seated, if you could tell us your full name and spell 24 your last
name, please.

THE WITNESS: Yeah. My name is Laura

July 25, 2022

Laura Bramwell-D 280

1

2

Bramwell, B-R-A-M-W-E-L-L.

THE COURT: You may inquire. 3

MR.

SHIPLEY: I have a few exhibits,

4

Your Honor. Get those all at one time.

5

(Pause)

6

DIRECT EXAMINATION

7

BY MR. SHIPLEY:

8

Q Ms. Bramwell, has your father reached out to

9

you in the last year to communicate about this case?

10

A Yes, he has.

11

Q And how many occasions has that happened?

12

A In the last year, the -- a minimum of

13

three --

14

Q Okay.

15

A -- possibly more.

16

Q I just handed you Exhibit -- three exhibits.

17

The first is Exhibit 38. And is that a -- can you tell

18

the Court what that is?

19

A Those are text messages from my father.

20

Q So that was -- was that a communication

25

July 25, 2022

Laura Bramwell-D 281

1

2

21

between you and your father?

22

A Correct.

23

Q Okay.

24

MR. SHIPLEY: Your Honor, I offer --

BY MR. SHIPLEY:

Q

-- and then also if you could look to Exhibit

35.

3 A Those were text messages to and from him as 4 well.

5

Q Okay. And then 36, could you tell the Court,

6

like, what Exhibit -- Petitioner's Exhibit 36 is.

7

A Email from him.

8

MR. SHIPLEY: Your Honor, we offer 35, 9 36, and 38 into evidence.

10

(Petitioner's Exhibits 35, 36, and 38 offered

11

into evidence)

12

THE COURT: Any objection, Mr. White?

13

MR. WHITE: Nope.

14

THE COURT: They are received.

15

(Petitioner's Exhibits 35, 36, and 38 received

16

into evidence.)

17

MR. SHIPLEY: Okay.

25

July 25, 2022

Laura Bramwell-D 282

1

2

18

BY MR. SHIPLEY:

19

Q I want to look to Exhibit 38. Could you tell

20

the Court -- I mean, the Court has it, but it appears

21

that your father was asking you to show up to the 22 property

and pick up personal property for your mother; 23 is that correct?

24

A I asked him. He -- I had had him blocked before because I did not want to receive communication

from him. So I unblocked him and sent him the first message. That was -- can I read it?

3

Q Yeah.

4

A Okay. It says, "I've seen the

5

email" -- there was an email previously -- "about

6

getting Mom's items out of the garage" -- of his

7

home -- "I would be willing to do that but

8

unfortunately cannot come this week due to weather and

9

road conditions. What is the reason it must be done

10

within a week?"

11

And so I was the one that reached out to him

12

because I wanted -- the email had stated that they

13

needed to be removed from his front porch within a week 14 or he was

going to dispose of my mom's belongings. 15 Q Okay. Why did

25

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Laura Bramwell-D 283

1

2

he -- why did he want, all of 16 a sudden, to give this property to your mother?

17

A Well, further on in the text threat, I asked

18

him that because he was told -- we've all been told not

19

to move property until this is settled. And so I asked

20

him why does this need to be done this week. And he

21

said, "I told -- I told you over a week ago last week."

22

And then he's saying she needs to pay a

23

storage fee to him for her items, and the storage fee

24

needs to go to his -- his business that he owns, cctruth.org, apparently.

So he wanted -- he, I guess,

just wanted them gone or -- oh -- to move -- and then he sent me photos of his car. I think

he wanted them 3 moved out of the garage so he could park his car in the 4 garage.

5

Q So he reported that as there was too much

6

stuff in the garage, that he needed to get his -- is

7

that what you --

8

A From what I understood, yeah.

9

Q And then did you guys end up exchanging and

10

getting the property?

11

A No, we did not.

25

July 25, 2022

Laura Bramwell-D 284

1

2

12 Q Why not?

13 A Well, I had arranged with a friend

14 to -- because I was -- I was at my home in

15 Sammamish -- the weather, it was icy and not safe to

16 drive. So I had arranged with a friend to come and

17 retrieve the items and hold them for -- for us until I

18 could retrieve them. And so I asked him here on the

19 fourth page, "I wanted to make sure I have permission 20 to get them" --because I
didn't want anything to happen 21 to my friend.

22 And so I asked, "Is -- is that" -- I asked 23 several times -- okay. I said, "Is that all
you're

24 releasing to her right now?" and he says, "Enough to get my car in" and "These are what I've
been through so far," and then I said, "Okay. I have -- I have arranged for someone to
come by tomorrow to pick up.

3 Please have it all on the front porch and ready."

4 And then he said, "If the splitter is not

5 coming," -- the wood splitter that he owns with my

6 brother -- "if he didn't get the wood splitter from my

7 brother, he's not going to release the property."

8 Q All right. And so you did not get any

25

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Laura Bramwell-D 285

1

2

9

property returned at that time, correct?

10

A No. Because I didn't want a -- a friend of

11

mine to be -- yeah. No --

12

Q Okay.

13

A -- I did not.

14

Q Okay. Okay. I want to go on to when was the

15

next time that your father contacted you? 16 A The next time
was the Saturday message, 17 Exhibit 35, that was Saturday, April 9th.

18

Q And so he goes ahead and contacts you and

19

says, "Brian will be charged with identity theft and 20 perjury next week if Mom
doesn't end the divorce this 21 week. My attorney has the proof."

22

And then you say, "More threats will not go

23

well for you in court."

24

And then he said, "Washington County Sheriff

is ready to charge Brian with two felonies. He told

Orlando (Phonetic) he hacked my account while testifying."

3

And then you said, "Stop making threats, and

4

don't contact me."

5

A Correct.

6

Q And then you again told him, "I do not want

25

July 25, 2022

Laura Bramwell-D 286

1

2

7

to hear from you, not by phone or email. Go through

8

your lawyer." Is that correct?

9

A That is correct.

10

Q Let's move on to Exhibit 36. And this looks

11

like your father emailed you; is that correct?

12

A Correct.

13

Q And when did he email you?

14

A Two days later.

15

Q Okay.

16

A On April 11th.

17

Q And what did you say to him at that time in

18

that email stream?

19

A My reply is --

20

THE COURT: Speaks for itself. I can

21

read it.

22

MR. SHIPLEY: Okay.

23

THE WITNESS: Yep.

24

MR. SHIPLEY: All right.

BY MR. SHIPLEY:

Q Have you had any -- has your father contacted you again after this?

25

July 25, 2022

Laura Bramwell-D 287

1

2

3 A I do not believe so.

4 Q Okay. And are you aware that a contempt case
5 was filed against him on the basis of your 6 communications?

7 A Contempt case filed against?

8 Q Your father.

9 A Yes, I am aware.

10 Q Okay. All right.

11 MR. WHITE: I'm not aware of that. I 12 haven't seen you.

13 MR. SHIPLEY: No more questions, Your 14 Honor.

15 THE COURT: Mr. White, do you have any
16 questions for Ms. Bramwell?

17 MR. WHITE: No.

18 THE COURT: Okay. You may step down.

19 You may call your next witness.

20 THE COURT: Leave those, actually, leave 21 those there.

22 THE WITNESS: Do I leave those? Okay.

23 THE COURT: It's all right. I'm going

24 to grab those from you.

THE WITNESS: Okay. Thank you.

THE COURT: I don't know if you need

25

July 25, 2022

Laura Bramwell-D 288

1

2

those or not, but those should be your copies.

3 THE WITNESS: I have copies. 4 THE COURT: You do? Okay. Then give

5 them back to us.

6 (Pause)

7 THE COURT: Come forward, sir. Chair

8 over here. If you'll raise your right hand to be

9 sworn. Watch your step up there.

10 BRIAN WHITE

11 called as a witness for the Petitioner, having been

duly 12 sworn, testified as follows:

13 THE COURT: Go have a seat. And once

14 you're seated, you can tell us your full name and spell 15 your last

name.

16 THE WITNESS: Yep. My name is Brian

17 Matthew White. My last name is spelled W-H-I-T-E.

18 THE COURT: Thank you.

19 You may inquire. 20 DIRECT EXAMINATION

21 BY MR. SHIPLEY:

22 Q Mr. White, have you had any contact with your

23 father since our last court date?

25

July 25, 2022

Laura Bramwell-D 289

1

2

24

A Yes. I've had contact from him twice.

Q Okay. Can you tell us about the first

25

July 25, 2022

Brian White-D 290

1

2

contact?

A

Yeah. This would've been the end of April.

3

I don't know the exact date. But he trespassed on my

4

property, went into my barn, and removed the wood 5 splitter.

6

Q Okay. Were you at home when that occurred?

7

A I was not home. I was traveling at the time.

8

My wife and kids probably would have been at school at 9 the time, is my guess.

10

Q Okay. Did you tell your father to come onto

11

your property and go into your barn to take the wood

12

splitter?

13

A No.

14

Q Okay. So that was all without your

15

permission then?

16

A Correct.

17

THE COURT: How do you know it was your 18 father?

19

THE WITNESS: I know it was my father

20

because I actually contacted his neighbor to ask if he 21 had

seen the wood splitter in his driveway. And he had 22 seen it

and confirmed that.

23

THE COURT: Still how do you know your

25

July 25, 2022

Brian White-D 291

1

2

24

father was the one that came over and picked it up?

THE WITNESS: I -- I -- I don't know for

sure. You're right.

THE COURT: All you know is conversing 3 with somebody else -- it is

now at your father's or 4 was -- it was removed.

5

THE WITNESS: Yes. Taken to his house.

6

THE COURT: All right. Thank you.

7

BY MR. SHIPLEY:

8

Q Did you happen to call the police?

9

A I did, yes.

10

Q And what did -- did the police speak with 11 your
father?

12

A Yes. They told me that they would call him 13 and warn him against coming on
my property.

14

Q Okay. And then was there another occasion

15

here recently that your father came on your property?

16

A Yes. He came on my property this last 17 Friday.

18 Q

Okay. And why did he come onto your 19 property? Do you know?

20

A He was there to serve a subpoena. 21 Q Was he serving it, or
was somebody else 22 serving it?

25

July 25, 2022

Brian White-D 292

1

2

23

A He brought someone else with him, and he

24

parked near my barn, and someone else served the subpoena.

Q Okay. But he actually drove onto your property, correct?

3

A Yes. He was there in his car.

4

Q All right.

5

MR. SHIPLEY: No more questions, Your 6 Honor.

7

THE COURT: Mr. White, you have any 8 questions for Mr. White?

9

MR. WHITE: Yes. I have some questions

10

for him.

11

CROSS-EXAMINATION

12

BY MR. WHITE:

13

Q How do you claim that the road in front of 14
your house is your property when it's public right of 15
way for three houses?

16

A It's an easement. I posted a no-trespassing 17 sign before that.

18

Q But it's not on the road. All's -- anyway,

19

it is not true that I went onto your property, and you

20

just testified I did, which is a lie and more perjury.

21

THE COURT: Is that a question?

25

July 25, 2022

Brian White-D 293

1

2

22

MR. WHITE: No. That's a statement. 23 THE COURT: Then it's
stricken from the

24 record.

MR. WHITE: Yes.

25

July 25, 2022

Brian

294

1

2

White-X

THE COURT: Do you have a question for

Mr. White?

3

MR. WHITE: Yes, I do. Some additional
questions I need to ask him that his mother needs to be

4

5

out of the room. This was a deal made with -- is this

6

your last witness before you rest your case?

7

MR. SHIPLEY: No.

8

MR. WHITE: Oh, okay. Well, then,

9

I'll -- we'll call him again for these other questions.

10

THE COURT: Okay.

11

MR. SHIPLEY: No more questions, Your 12 Honor.

13

THE COURT: You may step down.

14

You may call your next witness. 15 MR. SHIPLEY: Your Honor,
we call Dave 16 White.

17

THE COURT: Watch your step up. Raise

18

your right hand to be sworn.

19

DAVID WHITE

20

called as a witness for the Petitioner, having been
duly 21 sworn, testified as follows:

22

THE COURT: Go have a seat. Once you're

25

July 25, 2022

David White-D 295

1

2

23

seated, you could tell us your full name, spelling your 24 last
name for us, please.

Mr. White, you're going to have to wait
outside.

MR. BRIAN WHITE: Okay.

3

4

THE COURT: Because you're a potential
witness.

5

MR. BRIAN WHITE: Okay.

6

7

THE COURT: I assume Mr. Davis is not
going to be a witness, or Ms. Bramwell is not going to

8

be called as a witness?

9

MR. SHIPLEY: Not by me.

10

THE COURT: Well, do you intend to call

11

Ms. Davis or Ms. Bramwell as a witness?

12

MR. WHITE: No.

13

THE COURT: Okay. Then they can remain.

14

MR. SHIPLEY: Your Honor, when we were

15

last in, we left the trial notebooks. So there was

16

the -- so I don't know if I could get the witness one. 17 And then
there was the bench one. So if I could -- 18 THE COURT: Should
be there. Everything 19 that was left should be right there.

25

A

July 25, 2022

David White-D 296

1

2

20

THE CLERK: I have the bench one, then

21

just --

22

MR. SHIPLEY: Okay. All right.

23

DIRECT EXAMINATION

24 BY MR. SHIPLEY:

Q

Mr. White, can you please turn to Exhibit 15

in the notebook in front of you?

A

Um-hum.

3

Q

And -- are you there? Whenever your -- let

4

me know when you're there?

5

A

Yeah, I'm there.

6

Q

Okay. Could you please identify that 7 document for the Court?

8

A

Yeah, it looks like our 2020 tax return.

9

Q

Did your wife sign that?

10

A

We e-signed it, both of us.

11

Q

Are you sure that your wife reviewed and 12 signed it before it was filed?

13

A

I don't remember. I've usually told her

14

whether we were getting a refund or a -- or we have to

15

owe. And then told her when I put it in, if she wanted

16

to look at it, she's free to look at it anytime she

17

wanted.

25

A

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David White-D 297

1

2

18 Q Do you recall when this was filed?

19 A I don't think it has the date. No,

20 I -- usually, I try to file it in January or February.

21 Well, if this was -- we were getting a refund, so I 22 would try to file it as early as

possible. 23 Q Wasn't this filed after you -- or we, my 24 client, had filed
for divorce?

I don't -- I don't know. I -- to tell you
the truth, I don't know.

Q Are you aware -- if you could look at page 2 3 of the document --

4 A Um-hum.

5 Q -- isn't it true that each person's actually 6 supposed to sign the return?

7 A No. No. When you e-file, you put in a code

8 that's your signature.

9 Q Okay. But both -- 10 A We've done that for --

11 Q -- both people are required -- aren't both 12 filers supposed to actually sign the
document?

13 A Yes, in years past when this -- you know,

14 with e-filing, you put those in, and she knows her

15 code, and she knows that I have her code. And I had

25 A

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David White-D 298

1

2

16

permission from her -- I don't know, whenever we 17 started e-filing, which has
been quite a while -- to 18 use -- to put her code in for her.

19

Q Are you certain that you had permission in 20 2020 -- in filing the 2020 return in

2021

to -- to sign 21 on behalf of my client?

22

A She never told me that I couldn't, and she

23

gave me blanket permission. She -- I don't want to

24

know about -- this is her response to everything financial. Well, you take care of
it. I don't want to

know about it. And, you know, so I have done this for a long time with her, same as I did
this year also.

3

MR. SHIPLEY: Your Honor, before I move

4

on, I do want to offer Exhibit 15 into evidence.

5

(Petitioner's Exhibit 15 offered into

6

evidence)

7

THE COURT: Mr. White, any objection to

8

the Court receiving?

9

MR. WHITE: No.

10

THE COURT: 15 is received.

11

(Petitioner's Exhibit 15 received into

12

evidence.)

25

A

July 25, 2022

David White-D 299

1

2

13

MR. WHITE: No. No objection.

14

BY MR. SHIPLEY:

15

Q Now, part of 15, wasn't there also a Oregon 16 state tax
return that was filed?

17

A Yes. And same thing with Oregon state. We 18 use the same pin.

19

Q But you're not aware that my client actually 20 gave you permission to sign on

her behalf? 21

A I'm not aware she told me I couldn't when I 22 had done so for 15

years.

23

Q Okay. Looking at Exhibit 42, could you tell

24

the Court what this is?

This was the preliminary tax return I
submitted for this year.

Q

Okay. And I think you just testified that my

3 client did not review and sign off on this document; is 4 that correct?

5

A She didn't on 90 percent of the ones that I 6 submitted in the last 15 years.

7

Q I just asked, though, if she reviewed and

8

signed off on this return --

9

A Not --

10

Q -- before you submitted it.

11

A -- not that I know of.

25

A

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David White-D 300

1

2

12

Q Okay. On this document it says that you took

13

total IRA distributions of 38,490. Is that correct?

14

A No.

15

Q That's what the document says; does it not?

16

A It's what the document says but the updated

17

one, which you don't have here, shows that I put

18

back -- I think it was 8,000 or no -- 12,000, something

19

like that -- so you have to subtract that from the 20 38,000 from the actual

amount that was taken out. 21 Q So you took out 38,000 and then made a

IR or 22 an IRA contribution then?

23

A Yes. I had to take out extra to qualify for

24

the loan for the house.

Q Okay.

A And then I put it back in afterwards. But the final one -- this isn't the

final one. If you 3 want, I'll bring it tomorrow. I can print it out and 4 bring it tomorrow.

5

Q You also filed the Oregon state tax return 6 on -- without your wife's review and
signature as well;

7

isn't that true?

8

A Yep. Same thing as always, yep.

9

(Attorney and clerk converse.)

25

A

July 25, 2022

David White-D 301

1

2

10

BY MR. SHIPLEY:

11

Q Mr. White, can you identify for the Court 12 what Petitioner's
Exhibit 43 is?

13

A I've never seen this before in my life. So I

14

don't know how I'm supposed to identify it. I don't

15

even know if it's true. It's certainly not what I 16 submitted.

17 Q Well, it's a copy of a check from the State 18 of Oregon.

19

A I see that, but it could be fake for all I

20

know because it's not what I submitted for a tax

21

refund.

22

Q Okay. But when we were last in court at the

23

end of it, I handed -- I showed you and your former

24

attorney a copy of this, so.

I believe you showed it to my former
attorney. I didn't see it.

3

Q Okay. So this is what purports to be a

4

refund --

5

A Um-hum.

6

Q -- made out to you and your wife. And so are

25

you -- are you denying that this is a -- an actual

A

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David White-D 302

1

2

7 refund check from the State of Oregon?

8

A Well, it doesn't match what I submitted for a 9 refund or for -- oh, and I think
what I submitted is we 10 didn't owe anything.

11

Q Okay. But this -- this purports that the

12

State of Oregon thought you were supposed to get a

13

refund of \$43?

14

A Looks like it.

15

Q Whether or not they were wrong, is it, in 16 fact, a refund check -- copy
of a refund check from the

17

State of Oregon?

18

A It could be.

19

Q Okay.

20

MR. SHIPLEY: Your Honor, I offer

21

Exhibit 42 and then also 43 into evidence.

22

(Petitioner's Exhibits 42 and 43 offered into

23

evidence)

24

THE COURT: Any objection to Exhibit 42?

MR. WHITE: No.

25

A

July 25, 2022

David White-D 303

1

2

THE COURT: It's received.

(Petitioner's Exhibit 42 received into

3 evidence.)

4

THE COURT: Any objection to Exhibit 43?

5

MR. WHITE: Yes. Because I cannot at
6 this time verify that that is actual without doing some

7

investigation of my own.

8

THE COURT: Objection sustained.

9

(Petitioner's Exhibit 43 received into

10

evidence.)

11

MR. WHITE: Okay.

12

BY MR. SHIPLEY:

13

Q Mr. White, can you please turn to Exhibit 16?

14

A Um-hum.

15

Q Is that a Uniform Support Declaration that 16 you filed
with the assistance of your attorney? 17 A At the time,
yes. But it's not accurate at 18 this time.

19

Q Okay. That document said that your income 20 was \$2,476 per month. Is that
accurate?

21

A No -- not -- well, it was at the time but not

22

anymore.

25

July 25, 2022

David White-D 304

1

2

23

Q What is your income at this point?

24

A 3,093. Q 3,093.

A Um-hum. And my expenses are different also.

Q What is your -- but you did sign this

3

document, correct?

4

A I think so.

5

Q On page 2?

6

A Yeah. On the -- that was last September.

7

Q Okay.

8

MR. SHIPLEY: Your Honor, I offer

9

Exhibit 16 into evidence.

10

(Petitioner's Exhibit 16 offered into

11

evidence)

12

THE COURT: Any objection to Exhibit 16?

13

MR. WHITE: No, uh-uh.

14

THE COURT: It's received.

15

(Petitioner's Exhibit 16 received into

16

evidence.)

17

BY MR. SHIPLEY:

25

July 25, 2022

David White-D 305

1

2

18

Q If you turn to page, what would be the third

19

page of that exhibit, which gets into your budget.

20

A All right. It's the one that's labeled

21

"fixed costs," that part.

22

Q Yes.

23

A Okay, yeah. I'm here.

24

Q Is that -- is 1,831 your mortgage payment currently?

A

With taxes and insurance, it's very close to,

I think it was 1,835, yes, essentially.

3

Q 1,835?

4

A Yeah, I think so.

5

Q Okay.

6

A I'll have it tomorrow in what I'll submit.

7

Q Okay. But as far as the rest -- the -- it

8

says that your total fixed costs are \$3,126. Is that 9 currently accurate, or are

you --

10

A No. The expenses for June were 30 -- well,

11

it was \$3 less than my income, so 3,090.

12

Q 3,090?

13

A Um-hum.

25

July 25, 2022

David White-D 306

1

2

14

Q Mr. White, if you could please turn to

15

Exhibit 17.

16

A Um-hum.

17

Q And is that your residential loan application

18

for the loan you obtained?

19

A Probably, it looks probably like it is.

20

Q Okay. And did you -- is that what you 21 submitted to obtain your
loan?

22

A I think so. It looks -- yeah, it looks

23

correct.

24

Q Okay. And --

A In April or August, I think.

Q Okay. And what -- and so when did you obtain this loan?

3

A Meaning when did I apply or when did I -- 4 Q When did you

apply?

5

A Well, I don't know. The date should be

6

on -- it was sometime in August.

7

Q But if I go to page 5 if that's the date you

8

signed it, it says -- it says August -- or July 23rd,

9

2021.

25

July 25, 2022

David White-D 307

1

2

10

A Oh, okay. Yeah, that's when it was.

11

Q Is -- is that accurate, Mr. White?

12

A Yeah, probably. Um-hum.

13

Q Okay. Mr. White, if you could turn to page

14

2 --

15

A Um-hum.

16

Q -- on the -- it says "Income" at the top of

17

the page. And it says -- it says provide the total 18 amount here for your

income. So that says that your

19

income was \$3,993.65. And so in July of 2021, correct?

20

A Yes. That's what I put on because I had to 21 take -- I took out extra out of the IRA to
qualify for 22 this loan.

23

Q Okay. But in September, you said your income

24

was about \$900 less?

A Yes. Um-hum.

Q So which is the correct income?

A Well, that was the income at the time, so I

3

could qualify for the loan. And then, in September,

4

after I got the loan and moved into the house, I cut

5

down -- I had to cut down the amount because I can't

25

July 25, 2022

David White-D 308

1

2

6 take that amount out sustainably and pay, you know, pay 7 my bills. I'd be out of money
in five or six years.

8 But so right now, Social Security is 2,093, and I take

9 out 1,000 a month from the IRA --

10 Q Okay.

11 A -- so I can pay my bills.

12 Q So is -- your testimony is that you were
13 providing information to the -- to get a loan that

14 wasn't sustainable or accurate?

15 A It was accurate at the time, yes. 16 Q But it wasn't actually income
that was 17 sustainable, is what you just testified?

18 A Right. It wouldn't be sustainable, yes.

19 Q Okay.

20 A That's correct.

21 THE COURT: I want to make sure I've got

22 this right. You knew -- because you already told me

23 that you were taking economic classes and --

24 THE WITNESS: Um-hum.

THE COURT: -- have all these degrees
and everything --

THE WITNESS: Yes, um-hum.

25

July 25, 2022

David White-D 309

1

2

3

THE COURT: -- so you know the purpose

4

of a -- the income is there when you get a loan, right?

5

THE WITNESS: Yes. Yes, I know what it 6 is.

7

THE COURT: That that's the belief that 8 that's what you get every

month?

9

THE WITNESS: I put down what the -- 10

THE

COURT: I know -- I know what you

11

put down.

12

THE WITNESS: -- well -- yes --

13

THE COURT: It's right there.

14

THE WITNESS: Probably.

15

THE COURT: But it's -- you knew at the

16

time that you put that income in there that that 17 was --

they're asking you this is what you're going to 18 be getting

every single month?

19

THE WITNESS: I'm not 100 percent sure

20

on that, probably.

21

THE COURT: What do you mean,

22

"probably"? You're the one --

23

THE WITNESS: Well --

25

July 25, 2022

David White-D 310

1

2

24

THE COURT: -- that told me --

THE WITNESS: Yes.

THE COURT: -- you have all these

financial degrees --

3

THE WITNESS: Yes, I know.

4

THE COURT: So --

5

THE WITNESS: Probably, I -- I don't

6

know --

7

THE COURT: No, no, no. Probably?

8

THE WITNESS: I'm -- I'm not -- 9

THE COURT:

Mr. White, how many houses

10

have you purchased?

11

THE WITNESS: Three or four.

12

THE COURT: How many times have you

13

filled out a loan application regarding houses or cars

14

or boats, or anything else?

15

THE WITNESS: Multiple times.

16

THE COURT: So you know what the income

17

part is for, so they can base whether or not you can

18

make the monthly payments, correct?

25

July 25, 2022

David White-D 311

1

2

19

THE WITNESS: Yes.

20

THE COURT: So what I'm hearing you

21

saying is you inflated your income to get your house 22 loan?

23

THE WITNESS: I did what the mortgage

24

officer told me to do to get the loan.

THE COURT: Is his signature on there,
or is your signature on there or (Indiscernible)?

THE WITNESS: My signature is on there.

3

THE COURT: So you verified that

4

information was accurate? Are you telling me you

5

should not have signed that because it wasn't accurate?

6

THE WITNESS: It was accurate at the 7 time.

8

THE COURT: At the time which you knew

9

that the --

10

THE WITNESS: At the time that I signed

11

for this document. Yes, it was accurate. That's how

12

much I took out per month in July, August, and

13

September.

14

THE COURT: So how could it have been

15

accurate though for --

25

July 25, 2022

David White-D 312

1

2

16

THE WITNESS: It's not.

17

THE COURT: -- November, December, and

18

January?

19

THE WITNESS: Because it's not anymore,

20

but it was during those three months.

21

THE COURT: So you reported yourself to

22

the loan folks that it's no longer accurate, and

23

whether or not you can actually sustain this loan?

24

THE WITNESS: I can sustain the loan by

what I'm paying and what the -- and my expenses, like I said, 3 --

THE COURT: All right. Mr. Shipley, you

3

may continue.

4

BY MR. SHIPLEY:

5

Q You just testified that you took that same 6 amount out for July, August, and

September? 7 A I think it was -- it could have been plus or 8 minus a little bit,

but something like that.

9

Q Okay. But you submitted that Uniform Support

10

Declaration in September that said your income was \$900 11 less.

12

A Right. Yeah, because at that date going 13 forward, that's what it was going

to be.

25

July 25, 2022

David White-D 313

1

2

14 Q But the date you signed the Uniform Support 15 Declaration, you just testified
that you had taken the 16 same amount out from your IRA.

17 A My understanding from my attorney at the time
18 of signing that was what it would be in the future, not
19 the past.

20 Q So do you admit that -- that was -- that 21 document was not accurate?

22 A I'm not a hundred percent certain because I
23 think I put the money back in the IRA that I had taken
24 out previously during September. And so that would be accurate at that time.

25

July 25, 2022

David White-D 314

1 Q

2

Okay.

A

Even if I had taken out, for example, 1,750

3

in September, but then I put the total of these \$8,000,

4

\$6,000, whatever it is back in, in -- you know, I think

5

I did it the day -- the 20th or the 22nd that I signed 6 the loan. Then I didn't have that as
actual income for

7

that month.

8

Q Okay. Do you receive food stamps?

9

A Yes.

10

Q Did you include the food stamps on your

11

Uniform Support Declaration?

12

A No. I didn't know I needed to.

13

Q Okay.

14

A I'll be happy to fill out another one if 15 you'd like.

16

Q Mr. White, isn't it true that you also

17

collect the food stamps on account of your wife?

18

A No.

19

Q Isn't it true that for all of 2021 and even

20

into 2022, you've collected food stamps on behalf of 21 your wife?

22

A No. I told them one person. And I didn't

25

July 25, 2022

David White-D 315

1 Q

2

23 get them until September of --

24 Q (Indiscernible)

A -- 2021.

I'm not asking a question at the moment, sir.

A (Indiscernible)

3 Q Okay. Can you -- Mr. White, can you turn to

4 Exhibit 18.

5 A Um-hum.

6 Q Are you there?

7 A Um-hum.

8 Q Okay. This is -- are these accounts here at

9 Ally that are shown -- there's four different accounts:

10 an interest checking ending in 1877, a Climate Change

11 Truth, Inc., ending 2680, an online savings account,

12 and an online -- ending in 1357, and an online savings 13 account ending 8179.

Are there any other accounts that

14 you handle personal financial transactions through?

15 A No. These are the four.

16 Q Okay.

17 A Actually, I think there's three. I think I

25

July 25, 2022

David White-D 316

1 Q

2

18 got rid of one of the savings, but I'm not --

19 Q Okay.

20 A -- 100 percent sure.

21 Q Okay. So is it your testimony that you

22 don't -- none -- none of your -- the Climate Change 23 Truth KeyBank account,
that no personal expenditures go

24 through that?

A Yes.

Okay. And I've gone through, and we can go
through it but -- if we needed to, but -- it appeared

3 that in the interest checking, the account ending 1877,

4 that for 2021 there was \$65,000 in deposits. Do you

5 believe that's accurate?

6 A For 2021?

7 Q Yes.

8 A Yeah. That would -- well, a bunch of that 9 would include the donations
for Climate Change Truth

10 Incorporated, and a bunch of that would also be the 11 amount that I took extra out of the
IRA that I put back

12 in.

25

July 25, 2022

David White-D 317

1 Q

2

13 Q And in the Climate Change Truth account 14 that's there, there was for 2021,
there was \$33,000 in

15 deposits into that bank account.

16 A Um-hum.

17 Q Do you agree with that number?

18 A If that's what the data says. I don't know 19 the number.

20 Q Okay. Your tax return -- where did I just

21 put that? Your tax return that we just looked at, the

22 tax transcript --

23 A Um-hum.

24 Q -- did not indicate that you had deposited or that you have received
that sum of money. That would

25

July 25, 2022

David White-D 318

1

2

be \$98,000 between those two different accounts. I believe -- hold on one second.

What'd I do with that.

3

MR. SHIPLEY: I've misplaced my exhibit,

4

Your Honor. Give me one moment. Sorry, Your Honor.

5

BY MR. SHIPLEY:

6

Q Looking at Exhibit 42, you had claimed Social

7

Security benefits --

8

A Um-hum.

9

Q -- of 23,000.

10

A 40 -- oh, 42 here. Okay.

11

Q Yeah. 22,000 Social Security benefits and

12

then \$38,000 from your IRA.

13

A Um-hum.

14

Q That adds up to approximately 61,000, 62,000,

15

but you deposited \$98,000 into those two separate

16

accounts.

17

A Well, there's whatever you said 33,000 in the

18

Climate Change Truth account, so that's the difference, 19 right?

20

Q But that Climate Change Truth account is not

21

your -- isn't the KeyBank Climate Change Truth account

25

July 25, 2022

David White-D 319

1

2

22

is your primary -- is the --

23

A Previously, it was that account. Now, the 24 KeyBank account is the Climate Change Truth account.

Q

But for 2021, you used the KeyBank account for Climate Change Truth, sir. Isn't that true?

A

3

When anybody gave me cash or a check for a donation, it went in there at the time because I could do it on my phone, you know, E -- e-upload it or whatever, you know, deposit it. So those -- anything like that was deposited there and then transferred to the KeyBank account.

4

5

6

7

8

Q Okay. So people were giving you cash

9

donations --

10

A Um-hum.

11

Q -- for a charitable organization?

12

13

A Yeah. From when I had a booth at the Washington County Fair and the Oregon State Fair.

14

Q Okay.

15

16

A Showed a presentation I give at climate change conferences. And had the IPCC report stuff 17 there that shows their reports are deliberate science-

25

July 25, 2022

David White-D 320

1

2

18

fiction.

19

Q Okay.

20

MR. SHIPLEY: Your Honor, I didn't offer

21

Exhibit 17 into evidence, his signed residential loan

22

application. So I do want to offer 17 into evidence.

23

(Petitioner's Exhibit 17 offered into

24

evidence)

THE COURT: Any objections to 17?

MR. WHITE: No.

THE COURT: 17 is received.

3

(Petitioner's Exhibit 17 received into

4

evidence.)

5

MR. SHIPLEY: I do believe I did offer

6

the Uniform Support Declaration?

7

THE COURT: You did.

8

MR. SHIPLEY: Okay. And then I want to

9

offer Exhibit 18, the Ally Bank accounts.

10

(Petitioner's Exhibit 18 offered into 11 evidence)

12

THE COURT: Any objection to 18?

13

MR. WHITE: Nope.

25

July 25, 2022

David White-D 321

1

2

14

THE COURT: It's received.

15

(Petitioner's Exhibit 18 received into

16

evidence.)

17

BY MR. SHIPLEY:

18

Q Mr. White, please turn to Exhibit 19.

19

A Um-hum.

20

Q And this is your Ally IRA statement; is that 21 correct?

22

A For December 31st, something like that, yeah.

23

Q Correct. Okay. If you could turn to page 4

24

of 9 --

A Okay.

Q Okay. If we go down towards the bottom, it says "Current Year

Information." Do you see that?

3

A Um-hum.

4

Q It says "Distributions: \$38,490."

5

A Um-hum.

6

Q So you took \$38,490 from the IRA; is that

7

correct?

8

A Yeah, whatever it says, yeah.

25

July 25, 2022

David White-D 322

1

2

9 Q Okay. And then earlier, you were talking 10 about the IRA contributions. So that
would have been 11 11,600?

12 A Something like that. I have -- I'll have to

13 look.

14 Q Well, it's right there in front of you 15 on -- if you look at that where it
says "Current Year 16 Information," on page 4.

17 A I think I must be on the wrong page. Just a

18 second. I'm on the page that says -- no, it says

19 "Money Market Funds" or --

20 THE COURT: At the top of it, rather

21 than the date, it'll say page 4 of 9.

22 THE WITNESS: Oh, I see. There it is.

23 Okay. I didn't see the page numbers. Thank you.

24 MR. SHIPLEY: Thank you, Your Honor.

THE WITNESS: Okay. Now -- now, I'm
here.

BY MR. SHIPLEY:

3 Q Okay. So, yeah, if you go down basically at

4 the bottom, there's --

5 A Um-hum.

25

July 25, 2022

David White-D 323

1

2

6 Q -- it says "Current Year Information."

7 A Okay. There it is, yeah.

8 Q So 38,490 was the distributions you took from
9 the IRA in 2021, correct?

10 A Yes.

11 Q And 11,600 were the contributions you made,
12 so --

13 A Yeah.

14 Q -- is it -- your testimony is that you took 15 the 38,000 out, but then you
actually put 11,600 back?

16 A Yes.

17 Q So that would mean that you -- your total net
18 out of the IRA would have been right at \$27,000 for the
19 year. Isn't that accurate?

20 A Roughly, yeah. Um-hum.

21 Q Okay. Your Uniform Support Declaration does
22 not indicate that you pulled out \$2,000 per month from
23 your IRA, does it?

24 A No.

Q And you said that -- I think you said just a

25

July 25, 2022

David White-D 324

1

2

little bit ago that your Social Security is 2,000 per month, correct?

3 A Uh-huh, yep.

4 Q And -- but your total income is 3,000 per

5 month.

6 A Um-hum.

7 Q So --

8 A Currently, yes.

9 Q Right. But for 2021, you actually would have 10 been more like 4,000 a month

or so; is that correct?

11 A Well, Mr. Bernabei said I could pay his fees

12 from that, so that's where the extra money went from 13 that.

14 Q Well, that wasn't quite what I asked you.

15 A Well, that's -- that -- it -- well, I think 16 that's what you're getting at,

right? Is where -- what 17 is the difference and that's the difference.

18 Q No. What I was getting was whether or not --

19 A I don't --

20 Q -- your statement, your Uniform Support 21 Declaration and your

testimony here regarding your 22 income is accurate.

23 A Yes, it -- what I testified is correct. I

25

July 25, 2022

David White-D 325

1

2

24

didn't include expenses for my attorney because I took those directly out of the IRA.

Q Did you say that you were going to bring in a new Uniform Support Declaration tomorrow?

3

A I could if I can get a form to fill out or

4

something. I don't have a blank --

5

THE COURT: It's online.

6

THE WITNESS: It's online.

7

THE COURT: Yep.

8

THE WITNESS: Okay. All right. I'll

9

(indiscernible).

10

BY MR. SHIPLEY:

11

Q I want to talk a little bit about Climate

12

Change Truth.

13

A Okay.

14

Q Now that is a -- that was a IDIS. You 15 registered that corporation as a nonprofit in the state

16

of Idaho, correct?

17

A Yes, that's correct. It's a 501(c)(3) 18 Nonprofit.

19

Q Now, why did you do it in Idaho when you 20 lived in Oregon?

25

July 25, 2022

David White-D 326

1

2

21 A Simple. The State of Oregon is corrupt, and
22 they charge \$100 a year. In Idaho, it's \$15 to
23 register it and nothing every year to update it.

24 Q Okay. Now, what do you do for Climate Change
Truth?

A I present at climate change conferences. Q If you
could --

3 MR. SHIPLEY: Before I forget, Your
4 Honor, I wanted to offer -- sorry. I wanted to offer
5 the -- the Exhibit 19.
6 (Petitioner's Exhibit 19 offered into
7 evidence)

8 THE COURT: Any objection to Exhibit 19.
9 It's the Ally investment securities.

10 MR. WHITE: No.

11 THE COURT: It's received.
12 (Petitioner's Exhibit 19 received into
13 evidence.)

14 BY MR. SHIPLEY:

15 Q If you could please turn to Exhibit 21.

25

July 25, 2022

David White-D 327

1

2

16

A Um-hum.

17

Q Okay. This is a webpage, or this is a part

18

of the webpage for Climate Change Truth.

19

A Um-hum.

20

Q Would you agree with that?

21

A It's been changed since you printed this out.

22

Q Okay. But at the time I printed this out,

23

you know, it stated that -- on page 2 of what I've

24

submitted there -- who created that -- well, let me ask you this:

Who created the content that was on the page

at that time?

A

I created it, I guess you could

3

say -- who -- who said to put it there or who actually

4

did the work?

5

Q Who did the work?

6

A John Elder.

7

Q And then who did the writing of it,

8

the -- the content of it?

9

A The content was from me.

10

Q Okay.

25

July 25, 2022

David White-D 328

1

2

11

MR. SHIPLEY: Your Honor, I offer

12

Exhibit 21 into evidence.

13

(Petitioner's Exhibit 21 offered into

14

evidence)

15

THE COURT: Is there relevance to it?

16

MR. SHIPLEY: Yeah. Well, it gets into

17

his -- I mean, I can -- I can get into that.

18

THE COURT: Any objection to 21?

19

MR. WHITE: No.

20

THE COURT: It's received.

21

(Petitioner's Exhibit 21 received into

22

evidence.)

23

MR. SHIPLEY: Your Honor, it just -- on

24

page 2 it just provides a description of Mr. White's
qualifications. It says, "Dave is a chemical engineer

25

July 25, 2022

David White-D 329

1

2

with graduate studies in statistics, currently working on climate change. He has 30 years of experience."

3

THE COURT: I can read it. I can read 4 it.

5

MR. SHIPLEY: -- so on and so forth. 6 THE COURT: Um-hum.

7

MR. SHIPLEY: So it's being offered,

8

Your Honor, to establish his credentials, is what it's

9

being offered for.

10

THE COURT: Okay.

11

BY MR. SHIPLEY:

12

Q After you graduated from college, from Oregon

13

State, correct?

14

A Um-hum.

15

Q With your degree in chemical engineering and

16

graduate studies in statistics, where was your first

17

place that you went to work.

18

A Intel.

19

Q Okay. And how long did you work there?

20

A A couple of years. There was a severe

21

downturn, I think.

22

Q Okay. And then after that -- and what -- you

25

A

July 25, 2022

David White-D 330

1

2

23

were working with doing semiconductor work; is that

24

correct?

Right.

Q Okay.

A Um-hum. Semiconductor lithography, which is 3 where they print the wiring
patterns on the wafer.

4

Q And then after you worked at Intel then you 5 moved up to Nampa, Idaho, and
you worked for a company

6

called Zilog Semiconductors; is that correct?

7

A Yes.

8

Q Okay. And then after that, once you moved

9

back to Oregon, is that true? In --

10

A Um-hum.

11

Q -- 1988, approximately.

12

A Somewhere around there, yeah. 13 Q And then you went to
work for Fujitsu in

14

Gresham; is that correct?

15

A Yes, that's correct.

16

Q And it -- could you -- what were you doing 17 for them as well?

18

A Ran -- I was the lithography section head.

25

A

July 25, 2022

David White-D 331

1

2

19 Q Okay. And then after working for Fujitsu,
20 then did you go work for another company?

21 A Yes, for TOK Photoresist.

22 Q And where were they located?

23 A In Hillsboro.

24 Q And what -- what did -- what did they do?

They made the chemical that we print the
wiring patterns on for semiconductors.

Q Okay. And you were there for 11 years; is
3 that correct?

4 A Something like that, okay.

5 Q Well, like, when you say something like
6 that --

7 A I think so, yeah, 11, 10-11, something like 8 that.

9 Q And then after that, you went out on your
10 own; is that correct?

11 A Yes.

12 Q As a consultant?

13 A Um-hum.

25 A

July 25, 2022

David White-D 332

1

2

14

Q Okay. And you were doing this 15 photolithography consulting; is that correct?

16

A Yes. Um-hum.

17

Q Okay. Now, isn't it true that there's only

18

two people in the world -- and you're one of 19 them -- who actually know how to do that particular

20

work?

21

A In terms of the consulting, yes.

22

Q Okay. Now you -- at some point there, I 23 think it was like in 2016 -- is that when you retired 24 from working at a company? Is that correct?

In 2016, the economy got better, and there

25

A

July 25, 2022

David White-D 333

1

2

was no more consulting work.

Q Okay. Now I had asked you in your deposition 3 if you are retired, and do you
remember what you told

4 me?

5 A A chemical engineer is never retired.

6 Q You said, "A person like me is never
7 retired."

8 A Right.

9 Q You said, "I'm always -- you're always trying
10 to think of some way to make some money or do
11 something. You want to stay active."

12 A Um-hum.

13 Q "Why let money waste away." Do you still
14 believe that?

15 A Absolutely.

16 Q Okay. Now, you had also done some work as an
17 electrician of sorts doing RV electrical; is that
18 correct?

19 A I have done that, yes.

20 Q Okay. And my understanding was that you were

25

July 25, 2022

David White-D 334

1

2

21

just -- you worked through some -- some, like, local RV 22 places, stores, or
whatever -- and you would get 23 referrals for RV electrical work; is that
correct?

24

A Yeah.

Q Okay. Have -- since your deposition have you
sought out trying to do any of that work?

A No.

3

Q Okay. You said there was an RV body shop on
Cornelius Pass Road, and -- and they would call you
whenever they needed electrical work.

4

5

6

A Yeah.

7

Q But that you didn't have any more, like, of
your business cards out there.

8

9

A Right.

10

Q Okay.

11

A I don't have any -- I don't have any money to
buy any business cards to put there.

12

13

Q Okay. So you can't -- you couldn't 14 afford -- you can't afford any
business cards?

15

A No.

25

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David White-D 335

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2

16

Q Okay.

17

A Not with \$3 a month in, you know, above my 18 expenses, no.

19

Q Okay. If you were to go out there, do you

20

think you -- did you have a good relationship with

21

those people?

22

A Yeah, um-hum.

23

Q Okay. So if you could go out there, even if

24

you didn't -- couldn't afford any business cards, you could at least get your name
out; is that correct?

A I could.

3

Q Okay. And then -- now you also teach at an
online school, correct? And -- is that right?

4

A Online on Local Hubs, yes.

5

Q Okay. And that's King's Way Academy; is that

6

right?

7

A King's Way Classical Academy, yes.

8

Q All right. And what do you teach there?

9

A College biology, chemistry, and physics.

10

Q Is that all you do for -- is just teach, or 11 do you do any promotional
travel or anything like that 12 for that company?

25

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2

13 A I traveled to check out some hub locations 14 and went to a homeschool
conference in Florida to get

15 us some students.

16 Q Okay. And so does the -- the -- the 17 ownership or people running King's Way
Academy -- they

18 go ahead and cover those expenses for you?

19 A They pay the expenses, yes.

20 Q Okay. My understanding is you traveled 21 around -- it was like eight
different cities; is that 22 right?

23 A In November something -- yeah, I think so,
24 eight.

Q Okay.

25

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David White-D 337

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A Um-hum.

Q And what are you paid now from there? How much are you paid?

4

A Last year I was paid -- I would get paid \$100 5 per student per term, which was four months, and I had

6 two students. So I got paid \$200. I was hoping to get

7 some more students this fall, but so far, not

8 happening.

9 Q My understanding is -- from your testimony 10 and your depositions -- that you spent about 30 hours a

11 week on that job; is that correct?

12 A At least, yep.

13 Q Okay. You also testified -- I think 14 you -- you testified that you also did -- that you do,

15 like, appraisals and things like that for RVs and such. 16 A If one of the RV

customers asked me to 17 appraise their motorhome or whatever -- travel trailer, 18 I would do it. Yeah.

19 Q Have you done any appraisals in the last two
20 years?

21 A No.

25 A

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22

Q Have you done an appraisal -- when was 23 the -- well, let me ask you this: When was the last 24 time you did an appraisal?

Probably 2020. Sometime in the spring or summer. I'm not a hundred percent sure.

Q In 2020?

3

A Um-hum.

4

Q How much were you paid for that?

5

A I don't charge for an appraisal. I

6

just -- they're -- I'm already doing work on their RVs,

7

so they ask me, "Well, you know, I'm going to sell

8

this. How much should I sell it for," -- and that kind

9

of thing. It's not like I write up a -- an appraisal 10 for it or something.

11

Q So you don't write up an appraisal. You just 12 give them an opinion on it?

13

A I give --

14

Q Verbal?

15

A -- I give them an opinion, and it's very

16

accurate because what they sell it for is typically 17 what I told them they could sell it for.

18

Q Okay. I want to go back to January of 2021.

19

Do you remember going to Africa?

20

A Um-hum.

21

Q And at that time, you were pursuing what you

25

A

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David White-D 339

1

2

22 thought was a romantic relationship; isn't that true?

23 A There was two things.

24 Q Well, what were the two things?

I met with the Christian -- it was the Ghana
Christian Ministries and gave them our evangelism materials.

3 Q Okay. So you were married at the time?

4 A Um-hum.

5 Q Right?

6 A Um-hum.

7 Q And you were traveling to Africa to pursue a
8 romantic relationship with another woman, but you were
9 also, on that same trip, going on a Christian mission
10 trip; is that correct?

11 A Yes.

12 Q Isn't it true that you borrowed money on the 13 line of credit against
your home, and you sent money to
14 this supposed woman?

15 A Yep. And it was a lie.

16 Q All right. And you took out \$6,400 on that 17 line of credit against your
home to send to this woman

25 A

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1

2

18

in Africa, correct?

19

A Yes, I think so.

20

Q What did you tell your wife when you took

21

that money out on the line of credit?

22

A I don't know. I don't remember.

23

Q Did you -- well, did you tell her you were

24

pulling \$6,400 out to send to a -- a woman in Africa?

I'm sure I didn't say that, but I don't

25

A

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David White-D 341

1

2

remember --

Q Okay.

3

A -- what I said. Or if I even said, if she 4 even asked. I don't remember.

5

Q Did you possibly tell her that you took that

6

money out to pay property taxes?

7

A I don't remember.

8

Q Okay. So you didn't tell her you were going

9

to meet a woman in Africa, but you did tell her that

10

you were going on a Christian mission trip, correct?

11

A I don't remember, but probably.

12

Q Okay. Well, do you recall that when you left

13

on that flight, your -- your wife went and prayed with

14

you before you left?

15

A I don't remember.

16

Q Okay. You don't remember that your wife

17

prayed with you --

18

A Nuh-uh.

19

Q -- before you left?

20

A Nuh-uh.

25

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21 Q Okay. While you were in Africa, who was it 22 that convinced you that
you were being scammed?

23 A I was -- before I even went, I was about 95
24 percent certain. Once I got there, things weren't as what they said. And then
my son called, said he put

out a missing persons for me and wanted me to get out of there, so I did.

3 Q Okay. So your -- your son, he helped you out
4 there; wouldn't you say?

5 A Yeah, um-hum.

6 Q Okay. Now, you're saying that you were 95
7 percent sure that you were getting scammed, but you 8 still went to Africa.

9 A Well, I wanted to do the Christian mission
10 thing and see if this other was real or not.

11 Q Okay. 12 (Pause)

13 BY MR. SHIPLEY:

14 Q Mr. White, I just handed you two exhibits --

15 A Um-hum.

16 Q 32 and 33.

17 A Um-hum.

18 Q 32, is that your declaration that you filed
25

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David White-D 343

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2

19 in opposition to our motion to compel?

20 A Yes.

21 Q And on the second page, that is your
22 signature, correct?

23 A Yes.

24 Q Okay. And on page 33 -- or not page

30 -- Exhibit 33 --

A Um-hum.

Q -- isn't this a complaint that you filed in 3 the Federal United States District

Court for the

4 District of Oregon?

5 A Yes.

6 Q And on page 4 of that document, you signed
7 it --

8 A Um-hum.

9 Q -- did you not? And that's your signature?

10 A Somewhere there, yes.

11 Q Okay.

12 A Um-hum.

13 Q Yeah, at the bottom of page 4, is that -- 14 A Yes, um-hum.

25

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15 Q -- signature? Okay. Want to go to Exhibit 16 32, sir.

17 MR. SHIPLEY: And, Your Honor, I'm

18 offering 32 and 33 into evidence.

19 (Petitioner's Exhibits 32 and 33 offered into

20 evidence)

21 THE COURT: Any objection?

22 MR. WHITE: Nope.

23 THE COURT: They are received.

24 (Petitioner's Exhibits 32 and 33 received

into evidence.)

BY MR. SHIPLEY:

Q On the second page, the first sentence of

3 item 6 in your declaration says, "No funds in the

4 corporate account are used for my personal

5 expenditures."

6 That is specifically referring to the KeyBank

7 Climate Change Truth account, correct?

8 A Yes, that's correct.

9 Q Okay. If you look at -- on Exhibit 33 and at

10 the bottom in Section C, you wrote that language,

25

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David White-D 345

1

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11

correct?

12

A Which page?

13

Q Page -- sorry, page 3.

14

A Okay.

15

Q This would be Section C.

16

A Yes.

17

Q Okay. You --

18

A Um-hum.

19

Q -- so you wrote that language, correct?

20

A Yeah.

21

Q Okay. You wrote the 501(3)(c)(sic) 22 regulations restrict anyone from
using nonprofit funds

23

for personal use.

24

A Um-hum.

Q You wrote that, correct?

A Yes, um-hum.

Q Okay.

3

A I also -- well, I guess I can't answer that

4

question.

5

Q Moving to the next page, page 4 --

25

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2

6

A Um-hum.

7

Q -- in Section 5 --

8

A Um-hum.

9

Q -- you state that you request an injunction

10

be granted to stop Judge Bailey from ordering KeyBank 11 records to be
produced in the divorce case.

12

"We also request Jim Shipley be compelled to

13

pay \$2,000 to climatechangetruth.org for causing extra

14

attorney expense."

15

And then you say, "An additional \$2,000 for

16

30 hours of Professor White's time to respond shall be 17 paid to Mr.
White."

18

So, Mr. White, my question is: Is your time

19

worth \$66.66 per hour?

20

A No.

21

Q Well, this is a sworn document. You've sworn

22

to this. And you testified that your time is worth 23 \$66.66.

24

A For doing this, I guess I thought that it was. I -- I don't know. But I guess that's
what it is

for this kind of work.

25

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David White-D 347

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Q What kind of work?

3

A Writing up this and submitting it in a

4

federal court. And responding to your "fishing trip."

5

Q Well, you said that your -- your time is 6 worth 2,000 -- 30 hours of your
time is worth \$2,000.

7

A For this kind of work, yes.

8

Q Okay.

9

MR. SHIPLEY: Your Honor, I've got

10

KeyBank documents that were -- are subject to 11 protective
orders on one of the (Indiscernible).

12

THE COURT: Okay.

13

MR. SHIPLEY: Purpose is just to do

14

this.

15

(Pause)

16

BY MR. SHIPLEY:

17

Q Mr. White --

18

A Um-hum.

19

Q -- I'm showing you what's been marked as

20

Petitioner's Exhibit 34 --

21

A Um-hum.

25

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David White-D 348

1

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22

Q -- and these are the KeyBank account

23

statements --

24

A Um-hum.

Q -- for Climate Change Truth. Is that
accurate?

A Yes.

3

Q And they run from February 28, 2021, until 4 February 28, 2022. Is that
accurate?

5

A I suppose so. I don't -- I need -- I'll

6

agree, yeah.

7

Q Okay.

8

MR. SHIPLEY: Your Honor, we offer these

9

statements into evidence.

10

(Petitioner's Exhibit 34 offered into

11

evidence)

12

THE COURT: Any objections to 34?

13

MR. WHITE: No.

14

MR. SHIPLEY: Okay.

15

THE COURT: 34 is received.

16

(Petitioner's Exhibit 34 received into

25

July 25, 2022

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17

evidence.)

18

MR. SHIPLEY: Sorry.

19

BY MR. SHIPLEY:

20

Q Mr. White, if you could please look to the

21

February 28th, 2022, statement?

22

A What page or --

23

Q In the front page, page 1 of 4.

24

A Okay.

Q

It looks like there's -- on the deposit

section on two seven two fourteen -- there are ATM deposits, two of them that total right at \$610.

3

A Um-hum.

4

Q What would those have been from? 5 A What month was this, February --

6

Q February --

7

A -- 8th

8

Q 28th, 2022.

9

A It could have been cash, or somebody gave me 10 a check. I don't remember.

11

Q And then there's a -- on 2/17, there's an

12

internet transfer from an account apparently that ends

25

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David White-D 350

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13 7489 for \$6,000. What account was that transferred 14 from?

15 A I don't remember. I -- I don't know. 16 Q Well, you would have
done the transfer,

17 correct, sir?

18 A Yes. But I don't remember where it was from 19 or what it was.

20 Q My understanding is that you were the only
21 signer on this account; is that correct, Mr. White?

22 A No. That's not correct. Randy Veers
23 (phonetic) is also a signer on this account.

24 Q As of when?

A I don't remember. It's been a long time.

Q Are you sure about that?

A Um-hum. Yep.

3 Q You said a long time Mr. Veers has been a 4 signer?

5 A It's been a while. I don't remember when it 6 was.

7 Q Okay. Well, when you testified at your
8 deposition on December 1st --

9 A Um-hum.

10 Q -- I asked you who was the signer of the
11 Climate Change Truth checking account --

25

July 25, 2022

David White-D 351

1

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12

A Um-hum.

13

Q -- and you said yourself.

14

A Yes.

15

Q And I said -- and then I followed up, and I

16

said, "Anybody else?"

17

And you said, "No."

18

A That's what I thought at the time, but then I

19

talked to Randy later, and he said, "No, it's been

20

before that."

21

Q So you're saying that actually, at the time

22

that you answered that question, you were wrong?

23

A I was wrong, yes.

24

Q Okay. So is it your testimony that you don't know who all is
making these deposits into this

account?

A I'm probably making most if not all of the 3 deposits, but you're asking me
about something from 4 several -- several months ago. So I -- I don't know

5

where it came from.

6

Q Okay. Well, this transfer of \$6,000,

7

what -- what account is that?

25

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David White-D 352

1

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8 A I don't have the list of accounts in front of me, so I -- I can't say.

10

Q Mr. White, you had -- you keep track, or you

11

look at -- you're the -- are you the main person who

12

monitors this account?

13

A Yes.

14

Q Okay. And in December of 2000 -- December 1,

15

2021, you believed you were the only person who had

16

signing authority on this account. 17 A I thought I did at the time --

18

Q Okay.

19

A -- yes.

20

Q So if all of a sudden, transactions started

21

appearing in his account that you had not done,

22

wouldn't you have been alarmed?

23

A Yes. I would have asked him or -- I mean,

24

it's probably something I did, but I don't know what it is. I don't remember.

Q Okay.

A Like, there's also a 1,367. I don't know

3 what that one is, either.

4

Q Well, it's the same account. Do you know 5 what that account is, 7489?

6

A No, I don't know. Not off the top of my head 7 without looking.

25

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David White-D 353

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8 Q Well, you provided us a -- your Ally checking

9 account statements. And there's no account ending 10 7489. Do you have other bank

account statements that

11 you haven't provided us?

12 A No.

13 Q Are you sure?

14 A Um-hum.

15 Q Now, you did testify that you had -- you had

16 your yard landscaped in the back.

17 A Oh, I think I remember what this is.

18 Q Hold on. Where -- where you going to? 19 A The \$6,000,

that was the loan I got to fix 20 the blower on the truck, the \$6,000, yeah.

21 Q Well, then they also -- then there was also a 22 transfer of 1,367.

23 A Yeah, I don't remember what that was from.

24 But it had to be the same thing. I don't -- I don't remember what it was. But I

think I -- that's what the 6,000 was.

Q But who is -- who -- who is the owner of the 3 account ending 7489?

4 A I don't know. It could -- maybe it's the

5 banks where they transfer the money from the loan. 6 I -- I don't know.

7 Q Okay. Yeah, but this -- there was \$1,200

25

July 25, 2022

David White-D 354

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2

8 used to landscape your front yard; isn't that true? 9 A Yes. It was paid for
by the corporation, 10 yes.

11 Q Okay. Now you've filed some documents saying
12 that people wouldn't think it really looks that good; 13 is that correct?

14 A At the time, but since then, I put some
15 bark -- bark mulch down and --

16 Q When --

17 A -- it looks much better.

18 Q -- when was that?

19 A Maybe in the last couple months.

20 Q Now, in December, you testified -- I asked
21 you, "How does it look now?"

22 And then you said, "What?"

23 And then I said, "Does it look better now?"

24 And then you said, "Yeah. I replaced it with
native shrubs."

A Yeah. Um-hum.

Q So in December, you thought it looked -- when
3 you testified then -- you thought it did look better?

25

July 25, 2022

David White-D 355

1

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4 A I thought it looked better than the dead 5 grass that -- that was there. And --
but my neighbors

6 wouldn't have said it looked better.

7 Q Okay. But you liked it.

8 A I liked it, yeah.

9 Q Okay.

10 A Um-hum.

11 Q All right. Let's go to page 2 of that
12 statement.

13 A 2 of 4?

14 Q Yep.

15 A Okay.

16 Q Is it your -- your testimony that all of 17 these withdrawals were all for
Climate Change Truth?

18 A Um-hum.

19 Q There's quite a few over the next several
20 months --

21 A Um-hum.

22 Q -- well, strike that. I see on February 9th,

25

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David White-D 356

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23

there's a withdrawal for \$800. So was Climate Change 24 Truth doing a lot of cash transactions?

A

There are cash transactions, or there had been every month, but I don't know what that was for.

Q Okay. Now, on 2/14, there is a purchase for 3 \$84.90 for the Oregon Liquor

Store in Newport, Oregon.

4

A Um-hum.

5

Q And is it your testimony that that was a

6

business expense?

7

A Yes.

8

Q What was happening in Newport, Oregon?

9

A I -- there's a friend that lives in Depoe

10

Bay. One of the things I present at climate change

11

conferences is global sea rises 1.4 millimeters linear

12

and not accelerating. There's no reliability in the 13 NOAA sea level rise -- sea level data.

14

And, you know, when I present stuff the best

15

I can, I like to go check it out. So a friend of mine 16 lives in Depoe Bay,

I go down there and check the sea

17

level rise. For a while, I was doing that every other

25

July 25, 2022

David White-D 357

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18 weekend, I think. I don't -- I haven't done that
19 lately. And since I stay at their house for free, I'd
20 buy them a bottle of Scotch or bottle of liquor or
21 something or buy them some food and that kind of thing.

22 Q It looks like on 2/14, you ate at Muchas 23 Gracias in McMinnville, Oregon. Was that
a business 24 expense?

A Yeah. I think that was on the way down
there.

Q And then there's a -- on 2/14, there's also
3 a -- a dinner at Taste of Sichuan in Beaverton.

4 A Um-hum. I -- I don't remember
5 that -- whether that was Randy and I or what it was.

6 I -- I don't remember.

7 Q Okay. And then there is a Burgerville on
8 February 24th --

9 A In Corvallis, yeah.

10 Q Yeah.

11 A That was on the way to Newport.

12 Q Okay.

13 A Or to Depoe Bay, I meant. I'm sorry.

25

July 25, 2022

David White-D 358

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14 Q All right. Let's move to January 31, 2022.

15 A Is that the next -- 16 Q Yeah, the next one.

17 A Okay. All right. 18 Q So if we can look at

page 1 --

19 A Um-hum.

20 Q -- I see on January 5th, and again on January
21 12th, there's two deposits from Lyft.

22 A Um-hum.

23 Q And that's who you drive for, correct?

24 A I have done some of that in the past, yes.

Q So that was personal income coming into this
account, correct?

A It -- Lyft has a program where you can have
3 it go to a nonprofit. And since, at the time, I had
4 the experiment on U.S. 26 -- where the trees by the zoo 5 are consuming all the CO2
from 160,000 vehicles a
6 year -- all the expenses for the car for two years were
7 paid for by the company. And then any income from 8 Lyft, since that was using that
car, was paid for and 9 the money deposited to the company.

10 Q Okay. I see there is a -- a charge on -- if

25

July 25, 2022

David White-D 359

1

2

11 we go to the second page -- for Ziply (Indiscernible)
12 of Fiber on January 3rd -- and that is internet,
13 correct?

14 A Uh-huh, yeah.

15 Q And don't you also use your internet for your
16 other business, your routing business, or whatever
17 it's called?

18 A My routing?

19 Q Where you do some web hosting, correct?

20 A Yes, um-hum.

21 Q Okay.

22 A Yeah. It's mostly used for the Climate
23 Change Truth, yes.

24 Q Oh, okay. And then on January 5th, there is
Victor Rico's, that's the Mexican restaurant, correct?

A In St. Helens, yeah. Um-hum. I don't remember what -- something -- I
went --

3 Q Okay.

4 A -- somewhere for something.

5 Q And then on January 10th, you went to Safeway

25

July 25, 2022

David White-D 360

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2

6

in Hillsboro?

7

A Um-hum.

8

Q And then you bought razors from Harry's --

9

A Um-hum.

10

Q -- in New York.

11

A Um-hum.

12

Q How were those used for Climate Change Truth?

13

A To present at climate change conferences, I 14 need to look decent.

15

Q When was the last climate change conference 16 you presented at?

17

A It was -- it was May 26th or something, I

18

think.

19

Q Okay. Well, this is January --

20

A (Indiscernible) address.

21

Q This is January 13th.

22

A Yeah, I know. Well, all during that time --

23

let's -- I don't remember the dates. I'd have to look

24

them up.

Q Okay.

A

But all the -- in the last 2 years, 17 or so.

They're all online because of COVID, so they're only, 3 like, \$100 to present.

25

July 25, 2022

David White-D 361

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4

Q Okay. Now, I see on the -- do you think it

5

would be accurate if I said -- because I did a little 6 addition -- that from

November 30, or let's say

7

December 1 through the end of February 2022, that you

8

spent 600 -- just under \$600 at liquor stores.

9

A Probably.

10

Q Okay. And then there's -- let's see what I

11

can -- January 14th, there's a direct withdrawal

12

for -- to payment of an Amazon store card for \$503.42. 13

A

Yeah, I

bought something for the company, but

14

I don't remember what it was.

15

Q Okay. And then it looks like you -- you 16 spent some money at Mac's

Radiator on December -- on

17

January 21st?

18

A Um-hum.

19

Q What was that for?

20

A Part for the car.

21

Q Okay. Then you -- what's -- you -- you -- it

22

looks like on January 28th you spent \$35 at the Tide

23

Pool Pub in Depoe Bay.

25

July 25, 2022

David White-D 362

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24

A Um-hum.

Q

Were you down there again to measure water

levels?

A

Yes. I'm sure that was what it was. 3 Q All right. We're going

to move on to

4

December 31, 2021.

5

A Um-hum.

6

Q Again, there's a deposit for \$221.34 on

7

December 29th from the Lyft.

8

A Um-hum.

9

Q And then there's also several, looks like,

10

they must have been cash deposits --

11

A Um-hum.

12

Q -- on January -- on December 3rd and then 13 also December 21st; is
that correct?

14

A I'm on -- I'm on January. I guess I didn't

15

turn the page. Just a second.

16

Q Oh, sorry.

17

A So you're on the first page of December 31st?

18

Q Um-hum. That's correct.

25

July 25, 2022

David White-D 363

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19 A December 3rd, yes. Yeah, I have it here.

20 Q Okay. On December 16th, it looks like

21 there's a charge for \$175 for Red Lion Hotel.

22 A Um-hum.

23 Q Now you're -- is it your testimony that that 24 was not for personal?

A Yeah. I don't remember what it was for to
tell you the truth.

Q And then on 12/22, you spent money at the 3 Levi's Outlet Store, about \$59

--

4 A Um-hum.

5 Q -- on December 22nd.

6 A Okay. It's on the next page or what?

7 Q Yeah. This will be 2 of 3. Sorry.

8 A Oh, okay, 22nd. Yes, um-hum.

9 Q Okay. Then there was -- 10 A And I can say it again. Um-hum.

11 Q -- December 23 there. It looks like there's

12 a couple charges for about \$25 total at Chinook Winds

13 Casino?

14 A Um-hum.

25

July 25, 2022

David White-D 364

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15 Q Does that -- you -- is it your testimony that 16 that's not for personal reasons?

17 A No. That's to take them -- I took them there
18 for -- I don't know what we did, I think --

19 Q While you were -- 20 A -- May or something.

21 Q -- when you were down there measuring --

22 A Yeah, when I was down there.

23 Q -- sea levels again.

24 A Yeah, um-hum.

Q How do you do that?

A I have a -- well, in the -- I don't have it -- but in Depoe Bay is a tide gauge.

3 Q Um-hum.

4 A It has a USB connection so I can hook it up 5 and download the data.

6 Q Okay. Now, moving on to the November bank

7 statement. On page 1 --

8 THE COURT: (Indiscernible) I've got

9 to -- there's a bunch of liquor store charges in

10 here --

11 THE WITNESS: Um-hum.

12 THE COURT: -- that have nothing to do

25

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David White-D 365

1

2

13 with the coast. A lot of them in Beaverton so trying

14 to figure out what does that have to do with Climate 15 Change Truth?

16 THE WITNESS: I -- I probably took them

17 to the coast for the people I stayed at their house. I 18 don't
know.

19 THE COURT: But then you're going to the

20 liquor stores down there and buying stuff there too.

21 THE WITNESS: Um-hum. Yeah. 22 THE COURT: So, again, how
does this

23 have to do with Climate Change Truth?

24 THE WITNESS: It's a lot cheaper to stay

at their house then it is to rent a --

THE COURT: Well, hold on.

THE WITNESS: -- hotel for a couple of 3 days.

4

THE COURT: But you don't need to. You

5

drive down, you plug in your USB, get the data, and go.

6

THE WITNESS: No. I like to check it

7

over a couple of days and analyze the data while I'm 8 there.

9

THE COURT: But you don't have to. You

10

agree with me you could head home and analyze the data?

25

July 25, 2022

David White-D 366

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11

THE WITNESS: Yeah. But if there's

12

something wrong with the data then I have to go back

13

down there and see what's wrong with the tide gauge --

14

THE COURT: I'm doing my math. This is

15

before our gas increases. But it still be cheaper for 16 you to
drive back down there.

17

THE WITNESS: Oh, I -- it could be, I

18

don't know. I haven't calculated it.

19

THE COURT: Just -- I'm just trying to

20

figure -- there's just -- if you look in this, this 21 month alone, I
think there's about \$300 in liquor store

22

costs.

23

THE WITNESS: Could be. I mean if

24

that's what it says, that's what it is.

THE COURT: Just saying --

THE WITNESS: Um-hum.

THE COURT: What -- sure seems that at

3

some point in time that's not what Climate Change Truth

4

should be spending the money on. So at what point in

5

time to restart to figure this is income to you?

25

July 25, 2022

David White-D 367

1

2

6

THE WITNESS: None.

7

THE COURT: Well -- 8

THE WITNESS: There's

--

9

THE COURT: -- you have to help me out

10

with the Harry's razors, the Levi's, and this

11

type -- how is this not income to you?

12

THE WITNESS: I -- I already said why 13 it's not income for me.

14

THE COURT: Well, they pay you for your

15

expertise not to look good, right?

16

THE WITNESS: They pay me -- what

17

do -- I don't get paid for anything. What do --

18

THE COURT: Well, you do because you get

19

all this money --

20

THE WITNESS: I get donations, yes.

21

THE COURT: All right. So

22

your -- you -- you have a lot of personal expenses here

23

that seem to be helping you out. You're getting new

24

clothes. You're getting razors. You're getting alcohol. You're

getting food. Sometimes you're getting housing.

25

July 25, 2022

David White-D 368

1

2

MR. SHIPLEY: Gas.

3

THE COURT: Gas. So it seems to be a

4

lot of personal items you're getting out of this thing.

5

THE WITNESS: Yeah, but it is -- wasn't

6

for personal use. It was --

7

THE COURT: Sure it was.

8

THE WITNESS: Some of it was for the

9

experiment I did. And some of it was going down to 10 Depoe Bay.

11

THE COURT: Well, you agree that the

12

alcohol is for your personal use.

13

THE WITNESS: No.

14

THE COURT: Sure it is.

15

THE WITNESS: No, it isn't.

16

THE COURT: Sure it is.

17

THE WITNESS: I shared it with -- well,

18

I guess I drank some of it because I shared it with 19 them.

20

THE COURT: Right, you shared it. I

21

agree. That was an honest statement. And you agree 22 that

the Harry's razors is for you?

23

THE WITNESS: The Harry razors was so

25

July 25, 2022

David White-D 369

1

2

24

when I present at climate change conferences, I can shave.

THE COURT: (Indiscernible) given that you have about the same facial
hair as I do, it doesn't cost a whole lot of money.

4

THE WITNESS: No. But I still have to shave this and this.

6

THE COURT: Yeah, about once or twice a

7

week. I won't harp. Actually, right before you

8

present, right?

9

THE WITNESS: I shave a few times every

10

week --

11

THE COURT: No sense in shaving every

12

day then versus the day you got to present.

13

THE WITNESS: Well, yeah, but I -- I

14

don't wait till the day before I present to shave

15

my -- shave or anything like that.

16

THE COURT: Clothing, that's certainly a

17

benefit to you.

18

THE WITNESS: The clothing, I don't

19

think it was for me. I think it was for something for 20 them, of
the people in Depoe Bay.

25

July 25, 2022

David White-D 370

1

2

21

THE COURT: You remember buying them

22

clothing?

23

THE WITNESS: Sure.

24

THE COURT: Okay. You may continue.

BY MR. SHIPLEY:

Q

You testified in your deposition that you spend maybe eight hours a week on Climate Change Truth. 3 But it would seem if you're doing all this traveling, 4 you're spending a lot more than eight hours.

5

THE COURT: He's spending more than

6

eight hours at the liquor store. We've hit this dead

7

horse a few times. Let's move on.

8

MR. SHIPLEY: Okay. All right.

9

The -- the exhibits have been admitted

10

into evidence, Your Honor, but I don't know if the 11 Court

wants to go through those. But I do want to look 12 to the

September 30th, 2021, statement.

13

THE COURT: Deposits or withdrawals? 14

MR.

SHIPLEY: We'll get to the -- the

15

deposits on page 2. Are you there yet, sir?

16

THE WITNESS: Um-hum.

17

BY MR. SHIPLEY:

25

July 25, 2022

David White-D 371

1

2

18

Q I see there that there on 9/21 there was a
deposit -- a wire transfer from First American for
\$9,261 and 40 -- 64 cents.

19

20

21

A Um-hum.

22

Q Isn't it true that that was actually your 23 loan
refinance money or money that came out that you

24 took over what was needed to buy out Ms. White?

A Yes.

Q So that was your personal money going into this account?

3

A Yes.

4

Q Okay. And then there is on 9/24 a deposit
from Ally Bank for \$12,140. Isn't that from your IRA?

5

6

A I don't know for a hundred percent certain 7 what that was from. I
don't remember.

8

Q But it was from one of your personal accounts 9 at Ally Bank?

10

A I guess. I don't know which account or what 11 it was from.

12

Q Okay. So when you testified -- when you
submitted the declaration to this Court that said, "No
funds in the corporate account are used for
personal -- my personal expenditures, isn't that false?

13

14

15

25

July 25, 2022

David White-D 372

1

2

16

A No.

17

Q It's not?

18

A No. It's illegal under federal law. 19 Q But you put your --
there's no doubt that you 20 put your personal money in that account, sir.

21

A Putting it in is separate than expending it.

22

You're asking me about expenditures. You didn't say 23 about putting in.

24

THE COURT: But didn't you use it --

MR. SHIPLEY: Used.

25

July 25, 2022

David White-D 373

1

2

THE COURT: But didn't you use it?

THE WITNESS: Use what?

3

THE COURT: Didn't you use those funds?

4

THE WITNESS: Yes, I did. I used them 5 for the corporation.

6

MR. SHIPLEY: To buy Levi's? All right.

7

I'll move on, Your Honor.

8

Yeah, I believe 34 has been offered

9

into --

10

THE COURT: Yeah, yep.

11

MR. SHIPLEY: Okay. Oh, actually, you

12

know what, sorry. There was one more item in that.

13

BY MR. SHIPLEY:

14

Q You like to go skiing; isn't that true, sir?

15

A Um-hum.

16

Q And you bought a annual pass from this

17

account, didn't you?

18

A I don't remember.

19

Q Well, it's in here. On October 21st, Ski

20

Hood, for \$479 --

21

A Okay, could be.

22

Q -- that -- yeah. If you look to October 31,

25

Q

July 25, 2022

David White-D 374

1

2

23

2021, statement, page 1 at the bottom of the page.

24

A Okay.

That was for a annual ski pass at Mount Hood

Meadows, correct?

A The bylaws of the corporation state that -- 3 Q Well, that wasn't what

I asked you. I asked

4

you that was a separate ski pass --

5

A That was a ski pass, yes.

6

Q Okay.

7

A A legitimate expense of the corporation.

8

Q All right.

9

THE COURT: How?

10

THE WITNESS: How? Because the bylaws

11

of the corporation, just like photolithography.net, say

12

that the health of the board members is of utmost 13

important to the corporation. And that anything for 14 that is

an expense of the corporation.

15

THE COURT: So any vacation you take is

16

for the -- is it an expense of the corporation?

17

THE WITNESS: If the vacation was for

25

July 25, 2022

David White-D 375

1

2

18

mental, I could construe it that way, but --

19

THE COURT: Isn't every vacation for

20

mental?

21

THE WITNESS: What?

22

THE COURT: Isn't every vacation for

23

mental?

24

THE WITNESS: Well, I --

THE COURT: Isn't that why we call it a
vacation, for mental --

THE WITNESS: Well, I suppose, in that

3

sense, but --

4

THE COURT: If you go and buy a firearm

5

because you like to shoot firearms, isn't that

6

something good for your mental --

7

THE WITNESS: Well, I suppose,

8

but -- no, this is for my physical education. 9

THE COURT: All right. That's kind of a

10

broad bylaw, right?

11

THE WITNESS: This is for my

12

physical -- physical education. And I, as the

13

president, can -- can decide all of that.

25

July 25, 2022

David White-D 376

1

2

14

THE COURT: I got it. 15

THE WITNESS: And for

this --

16

THE COURT: All right.

17

BY MR. SHIPLEY:

18

Q Mr. White, how many days did you go skiing 19 last
year?

20

A The total last year was only about ten, 21 actually.

22

Q Isn't it true that on April 11th, you were

23

up -- you took your camper --

24

A Um-hum.

-- up to Mount Hood and stayed up there for

25

July 25, 2022

David White-D 377

1

2

the week and went skiing?

A Um-hum.

3

Q Is that a yes?

4

A Yes.

5

Q Okay. So you were out there for a full week

6

in your camper skiing at Mount Hood.

7

A Yes.

8

Q Okay. And you're saying that that was for a 9 business purpose?

10

A It was. And it was approved by the other two

11

board members as well. I have emails from them 12 approving that, and I

could bring those if you need me

13

to.

14

Q Did you do that on more than one occasion?

15

A In the last year?

16

Q Yeah, where you took the camper out there and

17

went skiing?

18

A I think I did twice.

19

Q Okay. For like a week at a time? 20 A Well, it's cheaper to go

for a week than just 21 one day.

22

Q Okay. Mr. White, could you turn to Exhibit

25

Q

July 25, 2022

David White-D 378

1

2

23

22?

24

A Um-hum.

Are you there?

A Um-hum.

Q Is this the report of Lyft rides that you did 3 that you provided to us?

4

A I was on the wrong page. Just a second. I 5 flipped to 23. My mistake.

6 Probably, something like -- yeah, looks 7 right. Looks right.

8

Q And what year would this have been?

9

A I think this was 2021.

10

Q Okay. And it looks like in 2021, you didn't

11

work the whole year.

12

A Right.

13

Q Why not?

14

A I started teaching around March, and that

15

took too much of my time. And then I was kicked 16 out -- out of the house on

May 16th, and so I couldn't

17

do it after that.

18

Q Are you doing it now?

19

A No.

20

Q Well, the -- the statements that you just

25

July 25, 2022

David White-D 379

1

2

21

went through show that you do have income from Lyft.

22

A In -- not in the last month, or -- 23 Q So not -- when was the last time you did it?

24

A I don't know. It's been a while.

Well, like, how long?

A I don't think I did it at all during the school year last year. For

example, I don't think I 3 did. I couldn't say for sure.

4

Q Well, from, you know, let's say, September 5 2021 until now -- or Feb -- the end of February 2022,

6

did you do any Lyft during that timeframe?

7

A I don't believe so. I -- I'm -- 8 Q We just looked at the bank statements that 9 showed you had income from Lyft.

10

A Well, the company had income from Lyft.

11

Q Well, you were the driver.

12

A I was the driver, yes.

13

Q Okay. So you were either driving it, or

14

somebody else was driving it. 15 A No, I was driving it.

16

Q Okay. So that's not a true statement if you

17

said that you weren't doing it this whole -- during 18 that timeframe I just gave you.

25

July 25, 2022

David White-D 380

1

2

19

A Well, I didn't know if your timeframe
included this. If it includes this, then yes, I did.

20

21

It shows it right here. This is what I gave you.

22

Q Well, this is -- this is last year.

23

A Yeah, that's last year.

24

Q I just asked you for a specific timeframe, and you said you did not, but
that's not what the

25

July 25, 2022

David White-D 381

Q

statement shows.

THE COURT: Let's move on, move on.

MR. SHIPLEY: All right.

BY MR. SHIPLEY:

Q Okay. The camper --

A Um-hum.

Q -- isn't that titled in the name of you and
your wife?

A No.

Q It's not?

A No.

Q Whose name is it titled under?

A Photolithography.net --

Q Hmm.

A -- which it's owned by. And Julie testified
to that in -- in depth in her deposition.

Q That wasn't what I asked you, sir.

A Yeah. I know what you're going to -- for.

Q Okay. Sir, can you turn to Exhibit 6?

A Um-hum.

July 25, 2022

David White-D 382

1 Q

2

21 Q Okay. The second title there --

22 A Um-hum.

23 Q -- isn't that the title for the camper?

24 A It was -- yes, it was that a long time ago, yes.

Well, when you say a long time ago, how long
ago?

3 A I changed it from this because you were 4 pushing this issue maybe last
summer, a year ago, or

5 something. I don't remember.

6 Q Sir, didn't I hand you these. The --

7 A I have the title over there --

8 Q -- hold on --

9 A -- I could show you.

10 Q Let me ask you a question. Didn't I hand you

11 these titles -- the copy that I just handed you -- on

12 December 1st, the day of our depositions? Didn't you

13 show up to my office and pick them up from me?

14 A I don't remember, could be. I

15 (Indiscernible)

25

July 25, 2022

David White-D 383

1 Q

2

16 Q So as of December 21st, 2021, this was the 17 accurate title for that
camper, correct?

18 A I don't know if you pulled it at that time or
19 not. It doesn't have a date on here, so I don't know.

20 Q I handed you the actual title, sir. 21 A Yes, you handed me
the title, but I don't

22 know the date in which you took the photocopy.

23 Q Well, before I handed it to you?

24 A Okay. Since then, it's been changed.

Q So since then, you signed this title over to photolithography, correct?

A Yes, because that's who owns it. 3 Q Well, sir, Ms. White's
name is on this, so 4 did you forge her signature?

5 A No, I think she signed it when you gave it to
6 me. I don't remember.

7 Q That is false, sir.

8 THE COURT: You don't get to testify.

9 MR. SHIPLEY: Okay.

10 THE WITNESS: I don't remember. But the
11 state accepted it, so she must've already have signed
12 it.

25

July 25, 2022

David White-D 384

Q

BY MS. SHIPLEY:

Q So you transferred this title, and you wrote
her signature on it?

A No.

Q No.

A No, I didn't.

Q Okay.

A I didn't write anybody's signature on it but
my own.

Q But just your own signature.

A I think she -- I think the same thing with
the truck; she had signed it. She signed the truck one. That's
for certain. I know that.

But you transferred the assets -- so at the
time we filed for divorce, this asset was titled in the
name of you and your wife, correct?

A Yes.

Q Okay.

THE COURT: Who are all current

July 25, 2022

David White-D 385

1

Q

2

7

shareholders in this other company that now the title 8 for the
camper is in?

9

THE WITNESS: Randy Veers, Orlando

10

Castano (Phonetic), and myself.

11

THE COURT: So the same folks in your

12

Climate Truth Group?

13

THE WITNESS: Yes.

14

THE COURT: Okay.

15

MR. SHIPLEY: I have a question in that

16

regard, Your Honor, we'll get to.

17

BY MR. SHIPLEY:

18

Q So you changed this title or transferred it

19

to photolithography sometime after December 1st of

20

2021?

21

A Yeah, I think so, I guess.

22

Q Okay. Isn't it true that you filed a 23 contempt action
against my client for moving assets; is

24 that true?

A Yes.

25

July 25, 2022

David White-D 386

Q

Okay. Is that -- but is that okay for you to

do that?

THE COURT: That's argumentative.

THE WITNESS: I didn't do that.

THE COURT: Argumentative. 6

MR. SHIPLEY:

That's -- I'll withdraw, 7 Your Honor.

THE WITNESS: And -- and I didn't do 9 that.

THE COURT: You don't need to answer.

MR. SHIPLEY: All right.

THE WITNESS: Well.

THE COURT: That's a question for me to
answer, whether you did or not.

THE WITNESS: Okay.

(Pause)

BY MR. SHIPLEY:

Q Mr. White, I just handed you Exhibit 40.

A Um-hum.

Q This is a printout from the Oregon Secretary
of State Corporation Division.

A Um-hum.

July 25, 2022

David White-D 387

1 Q

2

23 Q Would you agree with that?

24 A At the time of this date, of 3 -- no, that's the date you
pulled it -- 4 --

3/28/22.

A Well, 3/28/22, no, because it's not
3 registered in Oregon as of last December at least. 4 Q Well, this was printed off -- 5

THE COURT: Sorry. I am thoroughly

6 confused. So you registered the vehicle in Oregon that 7 is now registered to a company in
another state?

8 THE WITNESS: In Idaho, yes. Um-hum.

9 THE COURT: Okay.

10 BY MR. SHIPLEY:

11 Q So you're saying that photolithography is not 12
registered in Oregon?

13 A No. It may have -- may be able to pull this
14 out, and it should say somewhere it's not active.

15 Q That's correct.

16 A I don't know where that it is here, but it 17 should say somewhere.

18 THE COURT: So it's not an active file
19 (indiscernible), but it goes on the camper.

25

July 25, 2022

David White-D 388

1 Q

2

20

THE WITNESS: It owns the camper and

21

some other items that she testified about in her 22 deposition.

23

THE COURT: Even though it's not an 24 active LLC?

THE WITNESS: It's -- it's actually an

active corporation in Idaho at this point. But it has no -- no further income at this time.

3

THE COURT: At what point? 4 THE WITNESS: Last December or January, 5 I guess.

6

THE COURT: Must have been as of March 7 of this year.

8

THE WITNESS: I know. But this is from

9

Oregon.

10

THE COURT: Um-hum.

11

THE WITNESS: Yeah, it was registered in

12

Oregon, but I didn't pay the registration on this after

13

maybe 2015 or 2016 because photolithography.net didn't

14

have any more customers. So it wasn't paid. So it

15

was --

16

THE COURT: So why does it need a

17

camper?

18

THE WITNESS: I needed the camper

19

to -- for the contract I had with FLIR in Wilsonville.

20

THE COURT: You need a camper to be

21

registered in Idaho for a business transaction that you

22

do in Wilsonville.

25

July 25, 2022

David White-D 389

1

Q

2

23

THE WITNESS: The camper is not

24

registered in Idaho. It's registered in Oregon.

THE COURT: So how does having a camper

25

July 25, 2022

David White-D 390

1

2

registered in Idaho or in Oregon to an LLC registered in Idaho help you in your contract
with FLIR?

3

THE WITNESS: The contract with FLIR was

4

for photolithography consulting. They required I be

5

there close by, so I wanted to get a RV park in

6

Wilsonville. They said that the camper we had before,

7

which was 2003 or 2002 -- it had to be less than ten 8 years old.

9

THE COURT: Where were you currently THE WITNESS: In

10 residing?

11

Hillsboro or be -- Rock

12

Creek.

13

THE COURT: Like Beaverton?

14

THE WITNESS: Well, Rock Creek in

15

between Hillsboro and Beaverton on the north side of

16

26.

17

THE COURT: Unincorporated Washington

18

County.

19

THE WITNESS: Pardon me?

20

THE COURT: It's unincorporated

21

Washington County.

22

THE WITNESS: Yes.

23

THE COURT: Which is ten more minutes

25

July 25, 2022

David White-D 391

1

2

24

away from where Wilsonville would be.

THE WITNESS: With all the traffic, it's

about 45 minutes to FLIR.

THE COURT: So you have a camper. Do 3 you still -- do you have it in

a park in Wilsonville?

4

THE WITNESS: No.

5

MR. SHIPLEY: I believe that was in

6

2016, Your Honor.

7

THE COURT: When was it? When did your

8

contract with FLIR expire?

9

THE WITNESS: January of 2016.

10

THE COURT: So why did you need to have

11

it -- why did this company need to have a camper in 12 2022?

13

THE WITNESS: It was purchased for that

14

job by the corporation, and the corporation still owns

15

it, but it's not currently being --

16

THE COURT: But it didn't own it in 2022

17

or 2021, correct?

18

THE WITNESS: It owned it in terms

19

of -- in terms of payment for it and from the IRS.

25

July 25, 2022

David White-D 392

1

2

20

THE COURT: No. I get that you used

21

this shell company to --

22

THE WITNESS: It's not a shell company.

23

THE COURT: You use this company for

24

personal expenses, for example, buying a camper. I get that. Or
perhaps, maybe at some point in time, Harry's shaving shavers,
stuff like that.

But you got to help me out. Is it a

3

dead corporation? It's got no contracts. There's no

4

need for a camper anymore. And so after your

5

depositions, you decide -- knowing you can't transfer

6

any assets because that would be in violation of the

7

Court's previous orders -- you decided to take an asset 8 that was at the time registered in
both you and Ms.

9

White and transfer it to this company name -- to this

10

company that is no longer, basically, earning any kind

11

of income at all. And then move that company 12 afterwards to Idaho. I just want to
make sure I

13

understand your testimony.

25

July 25, 2022

David White-D 393

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2

14

THE WITNESS: Yes. But it's not exactly

15

as you're saying.

16

THE COURT: Tell me how I'm wrong.

17

THE WITNESS: All right. This camper,

18

as I said, was purchased by the corporation for that.

19

Same thing with that corporation. The president can

20

decide everything for that corporation.

21

THE COURT: Well, we got that.

22

THE WITNESS: And so --

23

THE COURT: Hold on. No, no, no. No,

24

no, no. Because we -- I got to do this step-by-step.

THE WITNESS: Yeah.

THE COURT: When this camper was

originally bought --

3

THE WITNESS: Um-hum.

4

THE COURT: -- so if I did a title

5

search on this, was this camper ever registered to 6

photolithography?

7

THE WITNESS: No. Not until this last 8 year.

9

THE COURT: So you never used it as an

25

July 25, 2022

David White-D 394

1

2

10

asset of a company. You never used it as a write-off 11 for the
company.

12

THE WITNESS: Well, I used it as an

13

asset and write-off for the FLIR job.

14

THE COURT: But you never registered it 15 other than you and
Ms. White's name.

16

THE WITNESS: Right. And I -- and I can 17 tell you why.

18

THE COURT: And this income that you got

19

from -- basically that you got from this benefited you 20 and Ms.
White at the time.

21

THE WITNESS: Yeah, I suppose, yeah. 22

THE

COURT: And we know for sure that

23

you've used this camper for personal use.

24

THE WITNESS: We --

THE COURT: You testified to it already.

THE WITNESS: Well, it's not personal if

the corporation --

3

THE COURT: How is it not personal to go

4

skiing? You talked about using this camper for skiing.

5

THE WITNESS: Because. I know. I know.

25

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David White-D 395

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6

I'll testify that the bylaws of the corporation --

7

THE COURT: I don't care about the

8

bylaws of your corporation. And these shell companies 9 that
you've created to hide your income and all that.

10

I don't care about that stuff.

11

THE WITNESS: They're not shell

12

companies.

13

THE COURT: Well, in my mind, that's

14

essentially what they are. So I just want to make sure

15

I got it right. Because there is a fair statement

16

here, and I know that in your brain, you can't see the

17

connection. But you took an asset that was registered

18

in you and Ms. White's name --

19

THE WITNESS: Um-hum.

20

THE COURT: And we'll get into whether

21

she signed off on this or not -- my guess is that she

22

didn't -- you changed it to this company, and then now

23

have registered this company in a whole different

24

state.

THE WITNESS: Um-hum.

25

July 25, 2022

David White-D 396

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THE COURT: You don't believe that is
moving an asset that was currently in the name at the 3 time the petition was filed?

4

THE WITNESS: No. Can I explain why?

5

THE COURT: You could try, but here's

6

what you're -- here's the problem you're going to have,

7

and you are going to have greatly. I don't care what

8

your excuse is. If your excuse -- because here's how

9

this Court works --

10

THE WITNESS: Um-hum.

11

THE COURT: -- if you wanted to come

12

into this Court and say and argue and present

13

information to this Court that says, "Hey, I appreciate

14

that this asset is currently in both of our names, but

15

really this is the company's, and here's my documents

16

to demonstrate that."

17

THE WITNESS: Um-hum.

18

THE COURT: That's not what you did, Mr.

19

White.

20

THE WITNESS: Um-hum.

21

THE COURT: You chose, when this was

22

going on, to move everything without permission from

25

July 25, 2022

David White-D 397

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23

the Court and in violation of the Court's orders.

24

THE WITNESS: No.

THE COURT: So go ahead. Give me your

best reason how I should not see it in that manner at all.

3

THE WITNESS: In Julie's deposition,

4

which I submitted to the Court for this hearing, it

5

clearly shows she testified exactly what I'm saying,

6

that the corporation owned that. The reason why, at

7

the time, we didn't put it in the corporation's name is

8

when I went to get insurance on it -- which I wanted to 9 have for while it was in an RV

park -- if I had it in 10 the corporation's name, it would have cost a lot more.

11

So I put it in our personal name.

12

THE COURT: Yeah. So you -- 13 THE WITNESS: At that time -- 14 THE COURT: -- so

you decided to benefit

15

you to register in you and Ms. White's name. And there

16

are consequences to that behavior. 17

THE WITNESS: Not to

benefit --

18

THE COURT: Sure, there is.

19

THE WITNESS: I don't understand what

20

you mean by "benefit me."

25

July 25, 2022

David White-D 398

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21

THE COURT: You paid less in insurance.

22

THE WITNESS: Oh, okay. Well, the

23

corporation paid less in insurance, yes.

24

THE COURT: Right. Which was a benefit

to you because you were essentially getting all the

receipts from this corporation.

THE WITNESS: Right. Okay, yeah. 3 THE COURT: Is there any other way of

4

looking at that?

5

THE WITNESS: No.

6

THE COURT: Okay. So there are

7

consequences to those actions, right, including the

8

idea when a temporary order is in place, it says nobody 9 is

supposed to change any of the assets. And you chose

10

to do that.

11

THE WITNESS: But this asset wasn't

12

owned by us, and she testified to it in her deposition.

13

THE COURT: Well that's not what you

14

told the insurance company, correct?

15

THE WITNESS: Told the insurance company 16 when?

17

THE COURT: Whenever. And that's not

25

July 25, 2022

David White-D 399

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18

what you told DMV.

19

THE WITNESS: Right. At the

20

time -- at -- at the time until now, yes.

21

THE COURT: Until after -- 22 THE WITNESS: Yes, until -- 23 THE

COURT: -- your deposition in 24 December.

THE WITNESS: Until she testified and

agreed that that's what it's owned by.

THE COURT: So she testified and agreed.

3

You certainly were going to then have Mr.

4

Bernabei -- because you were represented at the

5

time -- send a note over to Mr. Shipley that says, "You

6

agree to this, right?"

7

Because he's going to be doing this.

8

Did you do that?

9

THE WITNESS: I don't remember. I don't

10

know if I did or not.

11

THE COURT: You're a smart man.

12

THE WITNESS: Yeah.

13

THE COURT: You remember that.

14

THE WITNESS: I know.

25

July 25, 2022

David White-D 400

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15

THE COURT: Did you do it or not?

16

THE WITNESS: I don't know. I don't

17

know if I did it or not, but --

18

THE COURT: Did you --

19

THE WITNESS: To me --

20

THE COURT: -- check and make sure you

21

had permission from the Court to do it?

22

THE WITNESS: To me, it doesn't matter

23

because she testified that --

24

THE COURT: I know to you it doesn't

matter. It does to the Court. The Court takes its

orders very, very seriously.

THE WITNESS: No, I -- I understand 3 that.

4

THE COURT: Go ahead. Give me your best 5 shot.

6

THE WITNESS: Well, she testified in

7

deposition the corporation owns this -- the La-Z-Boy

8

chairs, the window coverings, and the garden shed at 9 our

residence -- in her deposition.

10

THE COURT: So I want to make sure I got

25

July 25, 2022

David White-D 401

1

2

11

it right then. Anything she said in her deposition is 12 gospel for
me to use.

13

THE WITNESS: Any -- (Indiscernible) -- 14

THE

COURT: Anything you disagreed with,

15

as far as assets go.

16

THE WITNESS: What she said in her

17

deposition --

18

THE COURT: I just want to make sure I

19

got it right. Anything she said in her deposition is

20

gospel for me to take?

21

THE WITNESS: No.

22

THE COURT: Because

23

you're -- (Indiscernible)

24

WITNESS: (Indiscernible)

THE COURT: So you're going to

(Indiscernible) --

THE WITNESS: (Indiscernible) that she

3

said -- (Indiscernible). No.

4

THE COURT: Well, you did.

5

MR. WHITE: What I said is what she

25

July 25, 2022

David White-D 402

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6

testified about this --

7

THE COURT: I get that.

8

THE WITNESS: -- in her deposition. 9

THE

COURT: So you took what she said to

10

be true.

11

THE WITNESS: Yes, of course. 12

THE COURT: And acted on it.

And acted 13 on it. So am I to do the same?

14

THE WITNESS: And I knew it was true 15 also myself.

16

THE COURT: Okay. Mr. Shipley, go

17

ahead. Actually, I'm going to go ahead -- this would

18

be a good time. Let's go take about a ten-minute 19 break, and

we'll come back.

20

MR. SHIPLEY: Well, I've got a -- on

21

this -- I've got a couple of important questions on

22

this specific issue, Your Honor.

23

THE COURT: (Indiscernible)

24

MR. SHIPLEY: But, I mean, they could be

quick.

THE COURT: Okay.

MR. SHIPLEY: I'll try -- I'll do my

25

July 25, 2022

David White-D 403

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3

best. Okay.

4

BY MR. SHIPLEY:

5

Q In regards to photolithography, that was

6

started by you, and then your wife was the -- listed as

7

the secretary, and you were the president, correct?

8

A Um-hum.

9

Q I asked you in your deposition, I said, "And

10

the two of you were the owners of all the shares?"

11

And you said, "Yes."

12

A At that time, yes.

13

Q Okay. And then --

14

THE COURT: Was there a board meeting in

15

which she was involved in which she was no longer --

16

THE WITNESS: Um-hum.

17

THE COURT: -- a member?

18

THE WITNESS: September of 2017, yes. 19

MR.

SHIPLEY: Well, no. This was December 1, 20 2021.

21

THE COURT: It's tough to keep these

22

going in the head, I know.

23

THE WITNESS: Pardon me?

25

July 25, 2022

David White-D 404

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2

24

THE COURT: It's tough to keep this all
straight, I know.

THE WITNESS: Yeah, I know. But
in -- well all -- she and my son will testify that she 3 removed herself from both of these in
September of

4

2020 -- or 2017.

5

BY MR. SHIPLEY:

6

Q Mr. White, may I ask you a hypothetical. If

7

the board of Microsoft decided to take the shares of

8

Bill Gates away from him, could they do that without

9

his approval?

10

A I don't know how their corporation is

11

structured.

12

Q Okay. But according to you, you could take

13

the shares that were -- my client, according to you,

14

owned half of them, and according to you, you could

15

just simply decide to take them away from

16

her -- without her --

17

A But she --

18

Q Hold on -- without her transferring them to 19 you.

25

July 25, 2022

David White-D 405

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20

A She removed herself from the corporation. I

21

asked her about it. She said she didn't want anything 22 more to do with it.

23

THE COURT: But there's a difference

24

between removing herself from the board versus selling her
shares. Did she sell her shares? Is there any

minutes or any paperwork by the secretary of the company -- her -- that would have
designated her half

3

of the stock to whomever? There's a difference between

4

withdrawing yourself from the company and still owning

5

the stocks. You agree with me on that?

6

THE WITNESS: Well no I -- 7

THE COURT: No, there's not?

8

THE WITNESS: Well, there is, yes. But

9

in this case --

10

THE COURT: The bylaws -- 11

THE WITNESS: --

in this -- 12

THE COURT: The bylaws keep

the two

13

separate or -- because that would be -- pretty

14

sure -- illegal to have --

15

THE WITNESS: -- in -- 16

THE COURT: -- to set it up.

17

THE WITNESS: In this case, I asked her

25

July 25, 2022

David White-D 406

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18

about it why -- and why she wanted to remove herself 19 from
the board.

20

And she said she didn't want anything

21

more to do with it at all. I took that as meaning she

22

didn't want her shares or anything with that.

23

THE COURT: You just unilaterally

24

decided she doesn't want any of the money that's involved in this
company -- or the shares involved in

this company, including the asset of the camper.

with it anymore.

THE WITNESS: That's what she said. She 3 didn't want to do anything

4

THE COURT: So there's a board meeting

5

minutes --

6

THE WITNESS: Yes.

7

THE COURT: -- that say I have moved

8

her --

9

THE WITNESS: Um-hum.

10

THE COURT: -- and so what was your

11

quorum?

12

THE WITNESS: Randy and --

13

THE COURT: Well, Randy wasn't on the

25

July 25, 2022

David White-D 407

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14

board at the time, right?

15

THE WITNESS: Randy --

16

THE COURT: You have to have a quorum.

17

You have to have a quorum of your present members.

18

THE WITNESS: Well, we --

19

THE COURT: But your current members

20

were Ms. White --

21

THE WITNESS: Right.

22

THE COURT: -- you, and who else? 23 THE

WITNESS: That was, at the time, was 24 just us two, right.

THE COURT: Okay. So quorum would've --

THE WITNESS: -- been me, I guess.

THE COURT: Well, usually a quorum has

3

to be more than 50 percent. Do you remember what

4

you're bylaws -- you've read a lot of other bylaws.

5

THE WITNESS: Yeah. Yeah. Yeah. 6 THE COURT: So have you read the bylaws 7 as far as
what quorum is?

8

THE WITNESS: Yeah, I'll have to look.

9

I think it's 35 or 40 percent, but I don't remember.

10

THE COURT: Okay. Go ahead.

25

July 25, 2022

David White-D 408

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11

MR. SHIPLEY: Okay.

12

BY MR. SHIPLEY:

13

Q I asked you again. I said, "The company was

14

fully owned by you and your wife, correct?

15

And you said, "Yes."

16

A Yeah.

17

Q So there's no doubt she was owner of that

18

corporation, correct?

19

A Partial, yes.

20

Q Okay. You -- you testified about the La-ZZ1 Boy chairs.

You said the La-Z-Boy chairs were -- and

22

they were located in, like, the front room of the

23

house, were they not?

24

A In the family room, yes.

Q

Okay. And so it's your testimony that those

were owned by the business?

A

Um-hum.

3

Q And you removed those chairs from the home,

4

and put them into the POD storage container that you

5

hired in May of 2021, correct?

25

July 25, 2022

David White-D 409

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6

A Yes.

7

Q Okay. And then how in particular were they 8 used in the operation of
your business.

9

A I did consulting sitting in the -- in one of

10

them, did semiconductor consulting with my computer.

11

Q Okay.

12

THE COURT: You didn't need to be in 13 Wilsonville?

14

THE WITNESS: Well, that wasn't for the

15

Wilsonville contract. That was for other contracts.

16

THE COURT: That was for other

17

contracts.

18

THE WITNESS: Yeah.

19

BY MR. SHIPLEY:

20

Q And when did you do that consulting?

21

A Until 2016.

22

Q Okay. And then how about the -- you also

23

testified that the window coverings --

24

A Yes.

Q -- were also owned by photolithography.

A Um-hum.

25

July 25, 2022

David White-D 410

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2

Q Is that correct?

3

A Yes.

4

Q Did you remove those from the home and put

5

those in this POD storage container?

6

A No, they were fixed to the wall. 7

Q Okay. And then I think

you also said the

8

toolshed?

9

A Right.

10

Q The tool shed -- which has, like, the rakes

11

and --

12

A Um-hum.

13

Q -- hoes and all that good stuff, the mower --

14

A Um-hum.

15

Q -- you also said that that was owned by

16

photolithography as well; is that correct?

17

A Um-hum.

18

Q Is that yes or no?

19

A Yes.

20

Q Okay.

21

THE COURT: So just -- if I had looked

25

July 25, 2022

David White-D 411

1

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22

up the list of assets of the corporation, that's going

23

to be on there?

24

THE WITNESS: Um-hum.

THE COURT: So you're using the
corporation to buy a shed and all the tools that were in it?

3

THE WITNESS: Not all the tools that 4 were in it, just the shed.

5

THE COURT: That somehow benefited

6

lithography, which I understand from you was some sort 7 of

computer lines -- semiconductor lines. 8 THE WITNESS:

Semiconductor lithography

9

is printing the wiring patterns for computer chips.

10

THE COURT: Correct. That's what I'm

11

trying to figure out. How are La-Z-Boy's, a shed, and

12

the tools in the shed help out in any way the

13

consulting thereof of making those type of

14

semiconductors?

15

THE WITNESS: The tools in the shed

16

isn't part of it. It's just the shed.

17

THE COURT: Um-hum.

18

THE WITNESS: I don't remember what -- I

25

July 25, 2022

David White-D 412

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19

don't think there's any part of the lithography --

20

THE COURT: So you just used the -- 21 THE WITNESS: -- we used
it as a write22 off.

23

THE COURT: -- so you just used it as a

24

write-off.

THE WITNESS: Yeah.

THE COURT: Yeah, to benefit you and Ms.

White?

3

THE WITNESS: Right. At the time, yes,

4

in 2015.

5

BY MR. SHIPLEY:

6

Q So in your testimony, I didn't -- I missed 7 this on the -- you just opened up the
Idaho business,

8

correct?

9

A In December or January,

10

transferred -- started a back up there, right.

11

Q January of this year?

12

A Yes.

13

Q Because you recall very specific

14

conversations with your wife from six years ago, but

25

July 25, 2022

David White-D 413

1

2

15

you're not sure on the month that you started this 16 corporation. So which

month was it, sir? 17 A I think it was January. I'm not sure -- a

18

hundred percent certain.

19

Q Okay.

20

MR. SHIPLEY: Your Honor, if you want to 21 take a break.

22

THE COURT: Well, that's fine. Let's go

23

ahead and take a break. Let's come back at 10 to.

24

(Court recessed from 3:37 p.m. to 3:49 p.m.)

THE COURT: Come on forward, Mr. White,
you're still on the stand. Mr. White, you're still under oath.

3

THE WITNESS: Okay.

4

THE COURT: You may inquire.

5

MR. SHIPLEY: All right.

6

(Pause)

7

BY MR. SHIPLEY:

8

Q Mr. White, I've handed you exhibit --

9

Petitioner's Exhibit 41 --

10

A Um-hum.

11

Q -- and this is the statement for Oregon

12

College Savings Plan.

25

July 25, 2022

David White-D 414

1

2

13

A Um-hum.

14

Q Is it true you have statements or accounts

15

set up for all six of your grandchildren?

16

A Yes.

17

Q And have you taken any money out of these 18 accounts

in the last six months?

19

A I -- I'm not a hundred percent sure, but I 20 haven't put any money in, that's for

sure.

21

Q Okay. So you may have taken money out?

22

A I may have. But I don't remember for

23

certain.

24

Q Would you stipulate that the money that's in these accounts for the

children, you know,

would -- should remain as accounts for the children going forward?

3

A I believe so.

4

Q If my client agreed to do that.

5

A I believe so.

6

Q But it's your testimony you may have? 7

A I may have. I'm

not a hundred percent

8

certain.

25

July 25, 2022

David White-D 415

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2

9

Q Okay.

10

THE COURT: And if you have taken any

11

money out of those accounts, that would be credited

12

against you in the -- these proceedings.

13

THE WITNESS: I suppose.

14

THE COURT: Okay.

15

BY MR. SHIPLEY:

16

Q And then, in terms of the income from Lyft.

17

A Um-hum.

18

Q I want to just -- in 2021, did you earn about 19 7,000
from Lyft?

20

A I doubt it, but some amount. I don't -- you

21

had the times I did. Did you have the amount? I 22 didn't see the amounts.

23

Q Well, I think we talked about those in your

24

deposition. My understanding was --

A Okay.

Q -- you, did you try to keep your earnings from Lyft at a certain level?

3

A Yes.

4

Q And what was that level?

5

A Usually less than 6,000.

25

July 25, 2022

David White-D 416

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6

Q Now, why not more if you could have earned 7 more?

8

A Because it's a losing proposition for -- can

9

I expand on this?

10

Q Sure.

11

A Okay. All right. You know, I always planned

12

on retiring from semiconductors or whatever and -- when

13

I was 55 or 50. I retired when I was 55, and during

14

the time I worked, I paid more in income taxes than

15

most people make for revenue in their whole life. And

16

so, in retirement, the plan was not to pay any income

17

taxes whatsoever, so to keep our -- you know, pay off

18

the house and keep our expenses low, and just use that

19

as little extra money. But, if I made more than that,

20

then our whole amount would go to the next level, and 21 we'd pay 40 percent in taxes.

22

Q Now, you brought in a CPA to testify. And I

23

asked her -- I said if somebody made a certain amount

24

and they were at a tax bracket -- and then if they made, let's say, \$3,000 more -- I asked her, I said,

25

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David White-D 417

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2

"Is the whole amount taxed at that higher tax bracket or just the amount that goes over?"

-- and her good

3

answer -- that it's just the amount that goes over.

4

So if you -- if you earned another, you know,

5

5 or \$6,000, the entire income isn't taxed at 40

6

percent. Don't you understand that?

7

A No, that's not correct. And she was wrong. 8 Q So the
CPA was wrong about the tax code?

9

A In terms of that. Yes, I've done our taxes

10

every year. That your total gross minus whatever your 11 deductions are is what
you're taxed on. So, for

12

example, if we had -- I'll give -- just throw a number

13

out -- \$12,000 in income after deductions, then -- and 14 that -- and that was -- I think the
next level is

15

15,000 or 18 -- they've changed it. I don't know what

16

it is now, but if you go over that, instead of 20

17

percent tax, it's 40 percent tax. So it's not a

18

hundred percent accurate what she said.

19

Q I mean, that was your witness.

20

A Yeah, I -- I know. I know. That part of

25

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David White-D 418

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2

21 what she said, I don't -- or else she misunderstood
22 your question. I'm not certain. But she certainly
23 knows that.

24 Q All right.

A I've run the numbers. And if I make very
much more than 6,000, then I'll be paying, you know, too much taxes.

3

MR. SHIPLEY: I think I'm about done,

4

Your Honor. Let me just double-check here.

5

(Pause)

6

Yeah, I'm done with the -- 7

THE COURT: You

may step down.

8

THE WITNESS: Do I leave all this here

9

or --

10

THE COURT: Yep. I'll take care of it.

11

THE WITNESS: Okay.

12

THE COURT: Thank you. You may call 13 your next witness.

14

MR. SHIPLEY: I call my client, Julia

15

White.

16

THE COURT: Come on forward.

17

Raise -- watch your step up. Raise your right hand
to

25

July 25, 2022

David White-D 419

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18

be sworn.

19

JULIA WHITE

20

called as a witness for the Petitioner, having been

duly 21 sworn, testified as follows:

22

THE COURT: Go ahead and have a seat.

23

And once you're seated, tell us your full name and 24 spell your

last name.

MS. WHITE: My name is Julia Annette

25

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White. White is spelled W-H-I-T-E.

THE COURT: You may inquire. 3

MR. SHIPLEY:

Your Honor, I want to show

4

a video.

5

THE COURT: You may.

6

MR. SHIPLEY: So -- and I -- this video,

7

let's see here. I provided a copy of the U.S. -- or

8

the thumb drive to Mr. Bernabei, but I'm not certain if 9 Mr.

White had received it, for after that -- they ended

10

that representation. But I did have another copy for

11

the Court, so I don't know how we should proceed on 12 that.

13

THE COURT: Okay. Go ahead and play it.

14

MR. SHIPLEY: All right.

15

(The Court, attorney, and clerk converse.)

16

(Technical difficulties playing video with 17 audio)

18

THE COURT: Ms. White, can you see it 19 okay?

20

THE WITNESS: I can't see anything.

21

THE COURT: Okay. We'll turn it.

22

THE WITNESS: Okay.

23

MR. SHIPLEY: Well --

25

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24

THE COURT: There's no audio to it.

MR. SHIPLEY: Yeah, well, I can play
audio here. Well, maybe I should identify the document or what we can --

3

THE COURT: Yep. We can still pause it.

4

MR. SHIPLEY: If we can pause it there.

5

DIRECT EXAMINATION

6

BY MR. SHIPLEY:

7

Q Ms. White, you've seen this video before.

8

Can you tell us what this is?

9

A That is the home that Mr. White and I owned.

10

Q Okay. And did you film this video?

11

A No, I did not.

12

Q Who did?

13

A Mr. White.

14

Q Okay. And do you know -- 15 A I

believe, Mr. White did.

16

Q Okay. He narrates it. Do you know what

17

this -- the purpose of this video was?

18

A To list the house online to sell.

19

Q Okay.

25

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20

MR. SHIPLEY: Your Honor, I could play

21

it on my computer to where the sound would coincide 22 with

this, I think.

23

THE COURT: That's fine. If you want to 24 see if you can get it --

MR. SHIPLEY: Okay. If you could back

it up --

THE COURT: Yep.

3

MR. SHIPLEY: -- and then I'll -- we can
hit go simultaneously. All right. Are you ready?

4

5

THE COURT: Yep.

6

MR. SHIPLEY: Hopefully, this isn't too

7

loud. All right. And go.

8

(Video played at 3:59 p.m. -- audio

9

transcribed.)

10

MR. WHITE: This is our updated and

11

(sic) 2006 ranch home with three garages -- a big RV

12

garage you can see there. And now I'll take you

13

inside. We're selling this home without a realtor, and

14

there's no need for any inspection because everything

15

is primo. But you can get an inspection if you want.

16

This is the entryway and the old -- and

25

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423

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17

the old front room, living room. Down here, you'll see

18

this is a bedroom, but it's my office right now, kind

19

of messy. This is the old master bedroom with shower

20

and everything in here -- toilet, full bath. Another

21

bedroom that was my wife's office here. And another

22

full bath in this closet -- or not in this closet. In

23

this -- another full bath in the bathroom here with a 24 nice
soaking tub.

And we have a Trane -- Trane system that

is excellent, tells the outside temperature, inside temperature. It can be set however

you want. And the 3 table -- everything -- view out to the backyard. 4

The kitchen -- cabinets, dishwasher,

5

refrigerator, stove -- everything, microwave.

6

This is the addition that we did, along

7

with the extra garage. We put this in here with the 8 window,
goes outside. All this.

9

A woodstove you could use for heat if

10

you want, or you could use the heating HVAC system. 11 But the
fire is nice when it's raining outside and cold 12 in the winter
time.

25

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13

And this is the master suite. Right

14

here where you could see we have double sinks, you

15

know, bathroom here and shower -- and shower right

16

here. Big shower. Nice bedroom. We have a doorway 17 out

here to a hot tub. And then here, a nice big room

18

and a walk-in closet right here, with plenty of space.

19

Put everything in drawers, drawers right here that you 20 can use.

21

And this house is reasonably priced and 22 will sell soon.

23

And this is the impeccable backyard. My

24

wife is an excellent gardener. So, you know, this is -- out

here, we have plenty of plants and everything and consuming

a lot of CO2 with what we have here. I also have a pond with

Koi fish in it. And

3

again, this is the hot tub over here, which is turned

4

off. We don't use this so much ourselves, but you can

5

use it. It's fine. And then this is a pile of wood 6 here that you can have for the wood

stove inside here.

7

MR. SHIPLEY: All right.

8

BY MR. SHIPLEY:

9

Q Ms. White, do you know, was that video

25

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10

created after you initially left the home?

11

A Yes.

12

Q And you initially left the home -- was that

13

in February or March?

14

A Something around there.

15

Q Okay. And then you returned in May to --

16

A Yes.

17

Q May 16th. Reviewing that video, can you say

18

whether that accurately shows the personal property 19 that was

in the home on February 2021 when you left?

20

A Yes.

21

Q Okay. Did you take anything from the

22

property when you left at that time?

23

A Yes, I did.

24

Q Okay. And you recall what you took?

A Mostly my clothing and personal items.

Q Okay. Was there anything else that you took?

A Yes.

3

Q Okay. Take your time and think about what

4

things you took at that time when you first left the 5 house.

25

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6

A I was in a huge hurry, but we have -- I had

7

pets, so I had a dog, two birds, two rabbits and a

8

turtle.

9

Q Okay.

10

A So I needed to make sure they were all safe

11

as well as some of my houseplants that I was worried 12 would die if I left

them.

13

Q Okay. What about -- did you take a freezer?

14

A No.

15

Q Wasn't there a freezer with meat? 16 A There was a freezer. I

had my son come and

17

move the freezer to his property.

18

Q And then did you return that later?

19

A I did.

20

Q Okay. And then did you also take some guns

21

from the home at that time?

22

A Yes.

23

Q Okay. All right.

24

A The guns were actually removed prior to that date, but.

25

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Q Okay. And then your sister, Ms. Davis, testified as to various items of
property that were in

3 the home that belonged to her and then also things that

4 you had taken with you that also that she testified

5 belonged to you. Did you agree with her testimony?

6 A Yes.

7 THE COURT: Hold on. You

8 can't -- you'll have to rephrase that.

9 MR. SHIPLEY: Okay. 10 THE COURT: It's calling on the

11 credibility of another witness.

12 MR. SHIPLEY: Okay.

13 BY MR. SHIPLEY:

14 Q The items -- the property that your client or

15 that Ms. Davis said was left on the property -- and

16 that you took from the property -- do you agree that

17 that was the property that was left in the

18 home -- and/or -- of those items that were hers and

19 that the items that you took with you -- were

20 also -- that were -- your list would coincide with Ms.

21 Davis's list? Is that --

25

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22

A Um-hum.

23

Q Okay.

24

MR. SHIPLEY: Then we don't have to go

through it all, Your Honor. Skipping back -- I don't

think you want me to talk about values of personal property or anything like that.

So I'm skipping 3 forward here.

4

THE COURT: We'll get to the bids.

5

MR. SHIPLEY: Right.

6

BY MR. SHIPLEY:

7

Q I'd like to go back to January 2021, and Mr.

8

White had testified about going on a trip. What was your understanding about the

trip at that time before he left?

11

A Well, it seemed very odd to me because I only heard about it a short amount

of time, less than three

13

weeks before he was leaving -- I think it was about ten

14

days, actually -- that he was going to Africa. And I

15

know from friends who have gone on mission trips that it takes months of planning

to go on a mission trip.

17

And I was concerned. Has he really checked into this?

18

Does he really know what he's getting into? Does he

25

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19 know the culture and the people that he's going to

20 reach? Besides the fact that we were in a global 21 pandemic and I thought there's no
way he should be 22 traveling.

23 Q Okay. And had the -- the two of you ever
24 gone on mission trips before?

A We never have.

Q Okay. Is there anything that you did before he left on that trip?

3 A Yes. I really felt like he wasn't prepared,

4 so I put together a medical kit for him in case he got

5 stomach issues or whatever. I made a really nice

6 dinner, and I put -- I asked him if he knew about Ghana

7 and some fun things that he could do while he was

8 there. So I looked up on YouTube and found some 9 beautiful sites that he
could see while he was there.

10 And I also prayed with him before he left.

11 Q Now, why did you pray with him? 12 A For safety, that he would be
able to do the 13 Lord's work while he was there.

14 Q Okay. Did you ever find out what that trip
15 was really about?

16 A Yes, I did.

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17 Q And what did you understand it to be about?

18 A On January 26th, I understood that it was a
19 an online romance that he went to go pursue with a 30-
20 year-old --

21 Q Okay.

22 A -- woman.

23 Q And you know if there was anything financial 24 related to that?

A Yes, there was. He was under the impression
that he was going to be getting pallets of gold and stacks of hundred-dollar bills.

3 Q Okay. What did he have to do to get that? 4 A He had to get
them through customs. 5 Q Okay. He had testified about sending some

6 money. Were you aware of that?

7 A I wasn't prior to January.

8 Q Okay. Do you know -- were you aware whether 9 or not there was, like, some
money borrowed against the 10 line of credit?

11 A Yes. I noticed when I was looking at my own
12 checking account. We were debt-free. We had no bills
13 owed to anybody. And worked very hard to get that way.
14 And I noticed that all of a sudden, we had \$10,000
15 against our line of credit for our home, for our home

25

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16 equity line. And I was very concerned about that.

17 Q And what did you do?

18 A I talked to him about it. I wanted to

19 understand what this was for. I didn't know how we 20 were ever going to pay

it back because we were on such

21 a tight budget.

22 Q Did -- what did Mr. White tell you he

23 borrowed the money for?

24 A He said that he tried to defer our property taxes, and for whatever reason, it

didn't go through.

And so he borrowed this money and has it in an account just in case he has to pay it

back. My understanding

3 is that our property taxes is around \$5,000, so it 4 still didn't make any sense to me.

And I still had 5 questions.

6 Q Do you know if your property taxes were

7 deferred?

8 A Yes.

9 Q Okay. So when you found out -- tell the

10 Court how did you find out, like, how was it that all

11 of a sudden you found out that your husband was

25

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12 actively pursuing a romantic relationship.

13 A Well, before he left on the flight, I flew up

14 to see my daughter every year for her birthday and my 15 three grandchildren

up there. And I asked him, now

16 that you're growing on this trip should I postpone my

17 trip because it was her birthday. And he said no, no,

18 you should go ahead and go. I can get a ride to the 19 airport. No problem. Go ahead
and go.

20 So I went up, and I was heading back to

21 Oregon on her actual birthday, which was January 26th,

22 and I got home probably about 8:00 that night. And I 23 received a
phone call from my son.

24 And he says, "Mom, I need to talk to you."

And then he says, "I'm coming over to your
house."

3 And then he immediately says, "I'm in the
neighborhood. I'll be at your door in two minutes."

4 So my heart just starts pounding like crazy;

5 something happened to Dave on this mission trip. And I

25

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6

was really nervous. And Brian came in and shared what 7 was really going on, that it wasn't a mission trip. 8 Q Did Mr. White return to the family home when 9 he came back to the United States?

10

A At that point, I couldn't believe anything

11

Mr. White had told me. So I had help changing the 12 locks on the doors, and

I wanted him out. 13 Q Did he -- did Mr. White ever return to the 14 family home?

15

A He came -- I had several neighbors looking

16

out for me because I was nervous. I didn't know what

17

to expect because it was such erratic behavior. So 18 they would let me know if they saw his car, and so he 19 had been kind of stalking the house.

20

Q Okay. Was there ever a time when you saw Mr.

21

White at the house?

22

A Yes, there was. There was a morning that I

23

was backing out of my driveway going to meet two

24

friends for a Bible study, and I saw him parked at the corner of the house.

25

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1 Q

2

Then what happened next?

A I panicked when I saw his car because I had

3

chose no contact with him. And so I didn't know. Do I

4

just go back in that house, and do I close the door, or

5

do I continue going? And I decided to continue going,

6

so I just left the neighborhood quickly.

7

Q In your car.

8

A In my car, yes.

9

Q And what happened next?

10

A He was following me.

11

Q And how long did he follow you for?

12

A So I got on Highway 26.

13

THE COURT: Mr. Shipley, how is this 14 relevant?

15

MR. SHIPLEY: Well, it's relevant to the

16

respondent's motion for contempt regarding her 17 reasoning

for removing guns out of the home in her fear 18 and such, so.

19

THE COURT: I'll allow it. Go ahead.

20

MR. SHIPLEY: Okay.

21

BY MR. SHIPLEY:

22

Q So he followed me onto 26 as I was going

25

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23

about 70 miles an hour. He was way behind me and

24

caught up to me, took an exit, and started going through town.

And I was talking to my son on the phone. I said call your dad

and get him to back off. I don't know what's going on here, and

I'm really 3 scared. And he wasn't answering any of my son's

calls

4

so my son said call 911. And I did that.

5

And I was talking to the 911 operator, 6 telling her exactly which intersections I was

going

7

through. At one point, I went through a yellow light.

8

He's still following me. I'm sure the light had turned

9

red. And finally, three police officers, three

10

different police cars, came and pulled him over.

11

Q Okay. What were you thinking after that?

12

A My heart was pounding. The officer pulled me

13

over about half a block ahead of him. One officer came

14

to me -- and two went to him -- and just wanted me to 15 breathe a little bit and

calm down because I was about 16 ready to pass out, hyperventilated.

17

Q Okay. And what did you -- once you returned 18 home -- what did you do after

that?

25

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19 A So the officer told me that even though I
20 changed the locks on the house, that I have no rights
21 to keep Mr. White out of the house, that he's still on
22 the title. And so I decided it wasn't safe for me to
23 be there any longer. And I called my daughter
24 immediately, grabbed my stuff that I needed -- my pets, my clothes, and some
houseplants -- and left.

And then what about the guns? Is that about
when he took them?

3

A No, it was prior to that.

4

Q Okay. And why did you take the guns?

5

A Well, we were seeing a -- Dave, Mr. White was

6

seeing a psychiatrist at the VA Hospital, Dr. David

7

Douglas. And he wanted me there at every single visit.

8

And it went fine. I didn't think it was that

9

necessary, but he still called me and wanted to do a

10

conference call just to make sure that what was being 11 said was true. And he
told me in front -- with Mr. 12 David in the room, Mr. White -- that I needed to
remove

13

all the guns from the house. Immediately.

25

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14

Q And --

15

A This was about four or five years ago. 16 Q When Mr.

White came home from Africa, did he 17 have any problems coming into the

country.? 18

THE COURT: Wait a second. I missed

19

that. Did you say it was four or five years ago?

20

THE WITNESS: That the guns were

21

initially removed.

22

THE COURT: Okay.

23

BY MR. SHIPLEY:

24

Q And then the guns came back?

A

He kept bugging me about the guns, over and

over and over. When are you going to bring them back?

When are you going to bring back? You got to bring

3 those guns back. So I finally relented, brought the 4 guns back into the home, but at the

same time, I bought

5

a gun safe.

6

Q Okay.

7

A And I said, okay, if these guns are stored in 8 this gun safe, I will bring

them back in the house.

9

Q Okay. My question was, when Mr. White was

25

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10

returning to the United States, did he have any 11 problems entering the
country that you were aware of?

12

A Yes, he did.

13

Q And what was that?

14

A When he was going through customs -- I

15

believe it was New York -- we had a missing persons

16

report out for it -- for him because we didn't believe

17

anything he said at that point. We didn't really know

18

if he was in Ghana or where he was. And they flagged

19

him, called us to let us know that they had him, and 20 they found a gun in his

possession at the time. 21 Q So he was trying to bring a gun through

--

22

A Yeah.

23

Q -- customs? Okay. Ms. White, if you could

24

turn to Exhibit 9.

A I'm there.

Okay. Can you tell the Court what Exhibit 9

is?

3

A This is the home that Mr. White and I had.

4

Q Okay. But these photographs, they look

25

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5 different. Go ahead and look through those

6 photographs, please.

7 A Yes. Okay.

8 Q Do you know who took these photographs?

9 A Yes, I do. I don't know specifically the

10 guy's name, but the Honorable Judge Fun ordered that

11 Steve Grey (phonetic)-- he's a realtor -- to sell the

12 house. And he brought in his specialist who does the 13 photography for his
home sales.

14 Q Okay. Were these photos taken before or 15 after you prepared the home
for sale?

16 A Just after I prepared the home for sale.

17 Q Okay. And can you tell the Court what 18 you -- and were you the only
person preparing the home 19 for sale?

20 A Yes, again. Judge Fun determined that I was
21 the one to prepare the house for sale because I'm the
22 one that did most of the maintenance on the house 23 anyways. And so, yeah, I
did a lot of work in that

24 house getting it ready for sale.

Q Did you have a lot of help?

25

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A I had a lot of help.

Q From who?

3

A Friends and family.

4

Q Okay. And can you tell the Court what you 5 did to prepare the home for sale?

6

A I painted six different rooms. I replaced a

7

bathroom floor, some molding. I decluttered, and I

8

polished the hardwood floors, and cleaned all the

9

windows, and I just did a ton of work, hours and hours.

10

Q And we saw the video, and there was a lot of 11 stuff in the house. Did you throw it all out?

12

A No, I did take a lot of loads to goodwill. I

13

had to take two truckloads and one trailer load to the

14

dump because they weren't even good enough for 15 goodwill. And the rest I boxed up and put in the 16 garage.

17

Q What -- like what kind of stuff did you take 18 to the dump?

19

A An old dresser. I had it out on the street

20

for free, and nobody wanted it. And I knew goodwill 21 wasn't going to take it, so that. Random broken parts

22

and old stuff that had no value anymore.

25

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23

Q Okay.

24

A We had lived there for over ten years, so we had accumulated a bunch of junk.

Okay. I'd like to look at pictures -- I

think it's -- I think I have -- I could be wrong on the 3 numbers, but I have them as 32, 33,

and 34. They

4

should all be pictures of your garage.

5

A Okay. Mine is 30, 31, and 32.

6

Q Okay.

7

MR. SHIPLEY: I don't know which one you

8

have. It's the --

9

THE COURT: They're --

10

MR. SHIPLEY: They should be -- 11

THE

COURT: My 31 is a bathroom. My 32

12

is the --

13

MR. SHIPLEY: Okay.

14

THE COURT: -- looks like the shop area

15

of the --

16

MR. SHIPLEY: Garage. Okay.

25

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442

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17

THE COURT: -- garage.

18

THE COURT: And then the bottom

19

pictures --

20

MR. SHIPLEY: So is hers the official

21

one, or yours is?

22

THE CLERK: Hers is?

23

THE COURT: Hers, is it?

24

MR. SHIPLEY: Okay.

BY MR. SHIPLEY:

Q So for you, it's -- it's picture -- what numbers were they?

3

A 30, 31, and 32.

4

Q Okay. So those would be 32, 33, and 34 for 5 the other ones. Okay.

Can you describe for the Court

6

what we see in these pictures?

7

A Yes, I also cleaned up the garage. So

8

this -- this is the garage, and it's also the stack of

9

stuff that I boxed up that I would like to move -- is 10 out there.

11

Q Okay. And so I see in picture -- what would

12

be your -- is our 32 -- it's like the shop area was

13

all -- and I, you know, there's cabinets there. And

25

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14

there's like -- stuff looks to be in place. Did you 15 organize that, or was it
organized like that already?

16

A No, I organized all that.

17

Q Okay. And then in the next picture, there's

18

like -- looks like there's a couple physio-balls and a

19

stroller.

20

A Right.

21

Q And then --

22

A Some furniture and stuff that I decluttered 23 the house and put out in
the garage.

24

Q And then -- and then the -- 34 for us, which

I think would be 32 or 33 for you --

25

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A Yeah. Um-hum.

Q -- is that like when you said you'd put 3 stuff, stacked stuff, or put stuff in
boxes and put it

4

in the garage? Is that what we see there?

5

A Yes.

6

Q Okay. When you left the home, was

7

that -- did that garage look -- was there anything else

8

removed from the garage before you left?

9

A Not that I'm aware of.

10

Q Okay. And when Mr. White texted your

11

daughter about moving stuff so he could get the car in

12

there, would that have been that pile of the stacked

13

stuff there?

14

A That is what I imagine it to be.

15

Q Okay. All right. Did you happen in -- did

16

you do this at the, like, at the direction of the 17 realtor, or how -- did you just

do it all on your own, 18 or how did that go?

19

A We have also been in a position to sell homes

20

on our own with for sale by owner. So I've been

25

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21

through this process before. And by the time Steve 22 Grey came in, he said
that I had done a fantastic job 23 and my house was ready for sale.

24

Q I think there's a picture in here of the
toolshed. (Indiscernible). Now, in one of the
pictures, it does look like your lawn was a little beat up. Was there any reason why that
was?

3

A Absolutely. We had temperatures of 115, and
a lot of plants were crispy, including part of the
lawn.

4

5

6

Q Okay.

7

A I have the toolshed.

8

Q What page -- what number is it on?

9

THE COURT: Inside or outside of it?

10

THE WITNESS: Inside, 41.

11

THE COURT: Mine's 44.

12

MR. SHIPLEY: 44, okay. I'm going the

13

wrong direction here.

14

BY MR. SHIPLEY:

15

Q And would that be number 42 for you, Ms.

16

White, or --

25

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17 A It doesn't have a number on it, but --

18 Q Okay.

19 A -- it's prior to 42, it's 41. But there's 20 also another 41,
so anyway it's there.

21 Q All right. The picture -- there is a picture 22 of inside the toolshed, and there's
a lot of tools and 23 other things in there. How much of that did you remove
24 from that toolshed when you left?

A Maybe 10 percent.

Q Like, what did you take?

A I took a long shovel, just some of my flower 3 containers. I actually -- I took a
picture of the

4 things that I took from the shop.

5 Q Right. Okay.

6 A It was -- it was just a small pile of things.

7 Q All right.

8 A I left the lawn mower and all the --

9 MR. SHIPLEY: Your Honor, I

10 think -- I'm not sure -- I think Exhibit 9 was already 11 offered
into evidence?

12 THE COURT: I'm pretty sure it was.

25

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13

MR. WHITE: Um-hum. For sure, it was.

14

THE CLERK: I don't have it on here.

15

MR. SHIPLEY: Your Honor, we offer 9.

16

(Petitioner's Exhibit 9 offered into

17

evidence)

18

THE COURT: Any objections to 9?

19

MR. WHITE: No.

20

THE COURT: 9 is received.

21

MR. WHITE: Okay.

22

(Petitioner's Exhibit 9 received into

23

evidence.)

24

BY MR. SHIPLEY:

Q Ms. White, now I want to look at Exhibit 10.

A Um-hum.

Q And go ahead and look through the -- those

3

pictures.

4

(Pause)

5

THE WITNESS: Okay.

6

BY MR. SHIPLEY:

25

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7

Q Is that all of the personal property you took 8 from the
home or is there other stuff?

9

A This does not show my clothing or makeup and 10 shoes, that sort of thing, but.

11

Q Okay. And then, I want to look at number 11.

12

It should be numbered. Is there a number 11 there?

13

A Yes.

14

Q And can you tell the Court what that is? 15 A Yeah. This is
the room that I'm living in at 16 my daughter's house.

17

Q Okay. So at the time this was taken, was 18 that your bed?

19

A Yeah. I was in a used twin mattress on the 20 floor.

21

Q Okay. And then the rest of those, the 22 property, is that what we see in

the picture as the

23

decorations in that room?

24

A Correct.

Q Okay.

MR. SHIPLEY: I don't know if this has been offered, Your Honor, but I'm
going to offer

3

Exhibit 11.

4

THE COURT: 11, 10, but 11 -- my 11 is a 5 mirror.

6

MR. SHIPLEY: No, no, I'm saying the

25

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7

entire -- sorry, entire Exhibit 10. Sorry.

8

THE COURT: Yep.

9

(Petitioner's Exhibit 10 offered into

10

evidence)

11

MR. SHIPLEY: All of those photos.

12

THE CLERK: I don't think I have those.

13

THE COURT: Okay. Any objection to 10?

14

MR. WHITE: (Indiscernible.) 15

THE COURT:

It's received.

16

(Petitioner's Exhibit 10 received into

17

evidence.)

18

MR. SHIPLEY: Okay.

19

BY MR. SHIPLEY:

20

Q Ms. White, I want to show you -- if you can

21

please turn to Exhibit 5.

22

A Okay.

23

Q You there?

24

A Yeah.

Q

Okay. Can you tell the Court what this is?

A

Yes. I was in a auto accident. And this is my GEICO information.

25

July 25, 2022

450

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Q Okay. And were you determined to be at fault?

A Yes, I was.

Q Okay. And then the -- and this was a Pontiac Vibe that you had at the time you filed for divorce, correct?

A Correct. Um-hum.

Q And the second page there, is that -- well, 11 what did the -- what did you receive from the insurance 12 company?

A The insurance company -- their total value for my car was \$8,225.90. Out of that, there was a 15 \$1,000 deductible and some other little expenses. So 16 my settlement amount was \$7,398.10.

Q Okay. Now, on this document, it lists a base value. What's that? It's up at the top --

A Yeah, I see it.

Q -- of that calculation. How much is that?

A It is \$7,451.

Q Okay. And then the insurance company added 23 tax; is that correct?

A Correct. Because I was in the state of Washington.

July 25, 2022

451

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Q Okay. And does this accurately reflect the payment that you received?

3

A Yes, it is.

4

5

MR. SHIPLEY: Your Honor, we offer

6

Exhibit 5 into evidence.

7

(Petitioner's Exhibit 5 offered into

8

evidence)

9

THE COURT: Any objection?

10

MR. WHITE: No.

11

THE COURT: 5 is received.

12

(Petitioner's Exhibit 5 received into

13

evidence.)

14

BY MR. SHIPLEY:

15

Q Ms. White, please turn to Exhibit 11.

16

A Okay.

17

Q And please tell the Court what this is? 18 A

This is the TD Ameritrade account that's in

19

my name.

20

Q Okay. And this is a Roth IRA?

21

A Yes.

25

July 25, 2022

452

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22 Q Okay. Does that -- the figures accurately
23 reflect what the account was at the end of 2021?

24 A Yes.

MR. SHIPLEY: Your Honor, I offer

Exhibit 11.

(Petitioner's Exhibit 11 offered into
evidence)

3

4 THE COURT: Any objection?

5 MR. WHITE: No.

6 THE COURT: 11 is received.

7 (Petitioner's Exhibit 11 received into
8 evidence.)

9 BY MR. SHIPLEY:

10 Q Ms. White, I'm showing you what has been
11 marked as Exhibit 12.

12 A Um-hum.

13 Q Can you tell the Court what these are? 14 A
This is Social Security benefits, benefits 15 for spouses.

16 Q Okay. And is this information you can get
17 online to calculate your benefit then?

25

July 25, 2022

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18

A Yes.

19

Q Okay. What -- and what is it -- 20

MR. SHIPLEY:

Your Honor, I offer this

21

into evidence.

22

(Petitioner's Exhibit 12 offered into

23

evidence)

24

THE COURT: Any objection to 12?

MR. WHITE: No.

THE COURT: 12 is received.

(Petitioner's Exhibit 12 received into

3

evidence.)

4

BY MR. SHIPLEY:

5

Q So based upon this, is the maximum that you

6

would get from Social Security is if you get 50 percent

7

of Mr. White's amount that he receives from Social

8

Security?

9

A Yes.

10

Q And based upon the second page there, when is

11

that -- when can you get that much?

12

A In 2029.

13

Q Okay. Is that July of 2029, correct?

25

July 25, 2022

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14 A Yes. Yes.

15 Q If you were to take Social Security now, do
16 you know how much you would receive?

17 A From the earnings that I --

18 Q Well, actually, let me ask you this. Do you 19 know if you're even
eligible to receive Social Security
20 at this moment in time?

21 A I'm not.

22 Q Okay. And then the earliest you can do that
23 is August 2024.

24 A I believe so.

Q All right. And at that time, according to
this, you would receive 32.71 percent of what Mr. White receives; is that correct?

3 A Yes.

4 Q Okay. Do you know if you qualify -- if you
5 would qualify for Social Security on your own earnings?

6 A I have some Social Security that I've paid in
7 throughout my life, but it will never match what Mr.
8 White's would be.

9 Q Okay.

25

July 25, 2022

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A It would be around \$400 a month. 11 Q Okay. I'm showing you
-- or I want you to 12 look at Exhibit 13.

13

MR. WHITE: I don't have anything under

14

Exhibit 13. It's empty.

15

MR. SHIPLEY: That's empty?

16

MR. WHITE: Um-hum.

17

MR. SHIPLEY: It was provided. Let me

18

show you what that is.

19

MR. WHITE: Okay.

20

BY MR. SHIPLEY:

21

Q Can you --

22

MR. WHITE: Oh, okay. I've seen it, but

23

I don't -- I don't have it in here.

24

MR. SHIPLEY: All right.

BY MR. SHIPLEY:

Q

Ms. White, can you tell the Court what

Exhibit 13 is?

3

A Yes. This is a document saying that I'm 4 going to repay my children the money
that they advanced 5 to me during the divorce.

6

Q Okay. And then the -- the next page, how

25

July 25, 2022

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7 much does it say -- how much do you owe to your

8 daughter?

9 A \$12,312.49.

10 Q And then what about Mr. Brian White?

11 A Brian White is \$4,452.30.

12 Q Do you still owe both of them?

13 A No, I don't. I went ahead and paid off Brian 14 through the proceeds of
the home.

15 Q Okay. But do you still owe your daughter?

16 A Yes, I do.

17 Q Okay. Ms. White, please turn to Exhibit 14.

18 Are you there?

19 A Yes.

20 Q Okay. This is a Uniform Support Declaration.

21 Is this still accurate? On your income?

22 A No.

23 MR. WHITE: Yes. It's there. I found

24 13, put it in 14 so.

BY MR. SHIPLEY:

Q Ms. White, I've handed you what's Exhibit 44,

25

July 25, 2022

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I believe.

3

A Um-hum.

4

Q And can you tell the Court what this is?

5

A This is a Uniform Support Declaration.

6

Q All right. And when did you sign this one?

7

A Yesterday.

8

Q Today?

9

A Yesterday.

10

Q What about that today.

11

A Today, excuse me.

12

Q All right. And that's your signature

13

appearing on that?

14

A Yes, it is.

15

MR. SHIPLEY: Your Honor, we offer

16

Exhibit 44 into evidence.

17

(Petitioner's Exhibit 44 offered into

18

evidence)

19

THE COURT: Any objection?

20

MR. WHITE: I'm not certain I have

21

the --

22

MR. SHIPLEY: This is the one I just

25

July 25, 2022

458

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23

handed you today.

24

MR. WHITE: Oh, might be.

THE COURT: Your USB.

MR. SHIPLEY: Yeah. It should be in there. I just handed it to you. There,
that's it.

3

MR. WHITE: This one?

4

MR. SHIPLEY: Yep.

5

MR. WHITE: Okay. All right. Yeah,

6

yeah. This is fine.

7

MR. SHIPLEY: Okay.

8

THE COURT: Received.

9

(Petitioner's Exhibit 44 received into

10

evidence.)

11

BY MR. SHIPLEY:

12

Q Ms. White, have you become employed?

13

A Yes, I have.

14

Q All right. And what are you doing?

25

July 25, 2022

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15

A I am working as a nanny.

16

Q All right. And about how many hours a week

17

do you work?

18

A Close to 40.

19

Q Okay. Now, is it -- when you say close to 20 40, you

know, it matters. Is it, like, close to 32 or

21

36?

22

A Probably about 36.

23

Q Okay. And then what do you get paid an hour?

24

A I get \$25 an hour.

Q

And are you paid directly from the parents,

or do you -- does it go through, like, a company?

A

I'm paid directly.

3

Q All right. So is there any withholding on

4

your -- the money received?

5

A Not currently.

6

Q Okay. Have we consulted with a tax professional in regards to being

prepared for how much

8

tax you may have to pay?

9

A Yes.

25

July 25, 2022

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Q Okay. And based upon that information, what

11

is your understanding of, like, do you have, like, a 12 percentage that you
believe you will have to --

13

A I'm not remembering the exact numbers, but 14 yes, I have to -- I have to

consider it a -- a private

15

business.

16

Q Okay.

17

A And so my taxes is pretty high. I think it's 18 about 24 percent, but I
can't remember.

19

Q Twenty-four percent? Could it be 27 percent?

20

A It could be.

21

Q All right. And as far as, like, the other

22

expenditures -- now that's your income. So your sole

23

source of income right now is -- is the working as a

24

nanny, correct?

A Yes.

Q Okay. And then there are expenses listed on that budget, if you go to
the -- back two pages, I

3

believe.

4

A Yes.

25

July 25, 2022

461

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Q And are those -- do you believe those

6

expenses are accurate?

7

A Yes.

8

Q And the -- the amount used for -- what was

9

the amount on there for a mortgage or payment?

10

A 1,911.

11

Q Okay. From the exhibit that was previously 12 admitted -- I believe it
was 33 -- is that -- that was

13

for a \$450,000 home on that.

14

A Correct.

15

MR. SHIPLEY: I think that exhibit is up

16

there. That would be Exhibit 31? Is Exhibit 31 up 17 there? It

would not be in the book. It would be -- 18 BY MR. SHIPLEY:

19

Q Just for sake of being quick, Your Honor, the

20

1,911 payment -- that was for the \$450,000 home. And

21

then if you bought a \$500,000 home, that would have 22 been then the \$2,256.

Have you been looking around at

23

homes?

24

A Yes, I have.

25

Q And in the area you're currently living,

July 25, 2022

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what -- could you buy a home for 450,000?

A No. I would have to go quite a ways out. 3 Q Okay. Did you -- so

how about -- like, how

4 far from there would you have to go, do you think?

5 A Probably 45 minutes out.

6 Q Okay. And at this moment in time, with your

7 income, are your children paying any of your expenses 8 anymore?

9 A My daughter's still providing me a place to

10 live --

11 Q Okay.

12 A -- food, electricity, all that.

13 Q Do you pay her for any of that?

14 A I'm putting it on an account.

15 Q Okay. All right. Do you plan on continuing

16 to live on the floor of your daughter's home?

17 A No, I don't.

18 Q Okay. So --

19 A I want to get my own home.

20 Q All right. So is that -- what's your game 21 plan in that regard?

22 A My plan is to get a small home that I could

25

July 25, 2022

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23

have a garden of my own. I could have the grandkids

24

over to play at grandma's house that I could live independently.

Q

Okay. Now, you testified in deposition that

I think you were, you know, possibly you were looking

3

at various things, but is -- nanny, is that something

4

you've done in the past?

5

A It is.

6

Q Okay. And how is that going for you?

7

A I love it.

8

Q Okay. And once this job ends, do you think 9 you would -- I mean, do

you think you'd be able to find

10

another job?

11

A Just in the few months I've worked, just 12 taking the baby around for walks,

I've had three people

13

want to hire me.

14

Q Okay. How did you get that job?

15

A Through an online nanny website locally. 16 Q Okay. And so

you, like, post something on

17

there. How does that work?

18

A I responded to somebody else's ad --

25

July 25, 2022

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19 Q Okay.

20 A -- that they were looking for a nanny.

21 Q Okay. And then how did it go from there?

22 A Well, it was a temporary position. Their

23 current nanny was out helping her husband through a

24 medical crisis. And they said they didn't know how long it would be. And then,

on the second day, they offered me a full-time job and said, "Would you, please,

just be our regular nanny? The baby has such a

3 bond with you" --

4 Q Um-hum.

5 A -- "that we don't want our old nanny back

6 now."

7 Q Ah. Mr. Psaradelis testified about your

8 ability to qualify. Do you know if, you know, 9 your -- are you aware whether or not

your children will 10 cosign for you?

11 A Both of my children said that they would be

12 happy to get me into a home.

13 Q Okay.

14 A Help me get into a home.

15 Q Okay. Do you receive food stamps?

25

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16 A No, I do not.

17 Q Did you ever apply for them from the State of
18 Oregon?

19 A I sure did.

20 Q Do you know if you're eligible?

21 A When I got back into the home to prepare it
22 for sale, I had absolutely not a dime to my name, and I 23 was totally living on
money from my son and daughter.

24 And, I thought, well, at least I could do food stamps.

And I wouldn't have to be borrowing money for food. So
I applied at that time for food stamps.

MR. SHIPLEY: This should be 39, Mr.

3 White.

4 BY MR. SHIPLEY:

5 Q Okay. Ms. White, you said you were denied.

6 I just showed you what's been marked as Petitioner's 7 Exhibit 39. Can you tell
the Court what that is? 8 A This was my stamp eligibility decision.

They 9 denied.

10 Q Okay. And if you can look at the second
11 page, does it tell you why you were denied?

25

July 25, 2022

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12

A Due to already receiving benefits.

13

MR. WHITE: Um-hum.

14

BY MR. SHIPLEY:

15

Q Did you -- had you ever received -- but you

16

had never received the food stamp benefits?

17

A Not at that time, I did not.

18

Q Did you find out -- did you ever call them or

19

phone?

20

A Yes, I did.

21

Q And what happened?

22

A They said that Mr. White was receiving

23

benefits for both of us.

24

Q Okay.

MR. SHIPLEY: Your Honor, we offer

Exhibit 39 into evidence.

(Petitioner's Exhibit 39 offered into

3 evidence)

4

THE COURT: Any objection?

5

MR. WHITE: Yes. Well -- well, we just

6

haven't decided on 44 yet. You didn't offer this yet.

7

THE COURT: I believe, objection to 39?

25

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8

If there is --

9

MR. WHITE: I have an objection to 44.

10

THE COURT: What's your objection to 39?

11

MR. WHITE: This uniform support -- no.

12

THE COURT: No, 39, stamps, eligibility

13

decision.

14

MR. WHITE: No, I don't have any

15

objection to that.

16

THE COURT: 39 is received.

17

(Petitioner's Exhibit 39 received into

18

evidence.)

19

MR. WHITE: But 44, I do. I didn't hear

20

that submitted to evidence.

21

MR. SHIPLEY: I'll offer 44 into 22 evidence.

23

THE COURT: I think 44 might already 24 have been received.

MR. SHIPLEY: I thought it was already received.

THE COURT: It is.

3

MR. WHITE: No, and I object -- I object

4

to it. This --

5

THE COURT: It's untimely.

25

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6

MR. WHITE: Your Honor --

7

THE COURT: You didn't object. I asked

8

you at the time --

9

MR. WHITE: I didn't --

10

THE COURT: -- and you said you didn't

11

object. It's already been admitted.

12

MR. WHITE: I didn't see it. I didn't

13

know that was going on, but this Uniform Support

14

Declaration is not --

15

THE COURT: Mr. Shipley, you may ask 16 your next question.

17

MR. SHIPLEY: Okay.

18

THE COURT: 44 had already been

19

received.

20

MR. SHIPLEY: All right.

21

THE COURT: You can certainly ask

22

questions once you get to (Indiscernible).

23

MR. WHITE: I will.

24

BY MR. SHIPLEY:

Q

Ms. White, what is your plan regarding the
\$285,000 that you received from selling the -- your interest in the home to Mr. White.

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July 25, 2022

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A My plan currently is to put about 200,000 4 down on a home for myself to live in.

Q Okay. How much of that 285,000 do you have remaining after paying for legal expenses and other 7 expenses -- and, I think, I don't know what else you've spent it on.

A I don't know.

Q Is it --

A I don't know off the top of my head.

Q Is it more than 250?

A What was the total amount, 280 -- 14 Q The 285 was what (Indiscernible) -- 15 A (Indiscernible) It's probably right around 16 there.

Q Okay. What have you, other than attorney 18 fees, what else have you spent the money on? 19 A I bought a -- a new car. My car was totaled

in that accident.

Q Okay. All right.

A A new used car.

Q You've asked for spousal support. How much spousal support do you think the Court should award you?

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A I think the Court should award me half of his
Social Security.

3

Q Okay. And what about when you receive Social 4 Security.

5

A Then I think it should be equalized at that 6 time.

7

Q Okay. Your husband has -- within their

8

opening statement and other hearing memorandums and

9

such -- that you could simply take the home proceeds

10

and invest that to supplement your income and just live

11

at your children's house. What's your thoughts about 12 that idea?

13

A I'm not going to have Mr. White dictate where 14 I live. And I want to be
independent.

15

Q Okay. Let's see here. Please go to Exhibit

16

6.

17

A Okay.

18

Q And if you could look through, there is four

19

titles, and then it looks like a registration for a

20

white trailer.

21

A Um-hum.

22

Q Does that account for the -- what -- well, 23 what vehicles are there?

There's the camper; I think

25

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24 we covered that one.

A Right. A 2005 Chevy pickup --

Q The second one's the camper.

A Okay. The camper 2015; 2010 Pontiac Vibe,

3 which was my car that was totaled; a '69 trailer. I'm

4 not seeing his --

5 Q Well, I think -- well, he owed money at the 6 time on that.

7 A Oh, okay. All right. I didn't have the 8 title for his car.

9 Q All right. Was the trailer, the utility 10 trailer, was that something he had
before you guys were

11 married or got from his dad?

12 A He got it as an inheritance.

13 Q Okay.

14 A -- part of his inheritance.

15 Q Okay. And you're not claiming an interest in
16 that trailer; is that correct?

17 A No.

18 Q Did you ever agree to transfer the camper to
19 photolithography?

20 A Absolutely not.

25

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21 Q Okay. Did you ever agree to sell any
22 interest you had in photolithography?

23 A Absolutely not.

24 Q Okay. How was the camper and truck used
during your marriage?

A Trips to Yellowstone and the beach and camping.

3 Q Okay. And who would go on those camping
4 trips?

5 A Both Mr. White and myself.

6 Q Okay.

7 A Occasionally, my daughter and her children.

8 Q Okay. And Mr. White had testified that it
9 was used, like, down -- I guess because he didn't want
10 to travel to and from Wilsonville --

11 A Right. Um-hum.

12 Q For how long did that go on?

13 A That job was six months, I believe.

14 Q Okay.

15 A Or less.

16 Q So after that six months, you guys -- it was

25

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17 your camper and trailer?

18 A Yep, yeah.

19 Q Okay. Mr. White also testified that -- the

20 La-Z-Boy chairs, the window treatments, and the

21 toolshed were purchases of the business where they

22 were, I guess, owned by photolithography -- but were 23 those items, as far as

you are aware, ever used for any 24 kind of business purpose for

photolithography.

A I know he sits on his computer a lot. But I

have no idea what he was doing.

Q Okay.

3

A He'd basically sits in front of the

4

television.

5

Q There, like in the TV room?

6

A Yeah. They're our lounge chairs. 7 Q So if you were, like, watching a football

8

game, you might be sitting in them?

9

A Absolutely.

10

Q Okay. Like, what about, like, the toolshed?

11

As far as you're aware, was there anything done with

12

photolithography that you're aware of?

25

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13

A Nothing.

14

Q Okay. What -- what went on in the toolshed?

15

A I love to garden, so it had all the garden

16

tools, the lawn mower, the clippers, the chemicals, all 17 that type of stuff. And
some of my pond supplies.

18

Q Okay. What was your understanding? Did Mr.

19

White -- he testified that he told you that something 20 was being a write-off or
something like that. What was

21

your understanding of that?

22

A He did all kinds of stuff like that 23 throughout our marriage. We even joked
about the La-ZZ4 Boy chairs being office furniture.

Q All right. Was anybody else ever involved in photolithography that you were aware of?

A I know that Randy and Orlando were involved.

3

(Indiscernible) --

4

Q How would -- but how did -- how were they

5

involved?

6

A By name only.

7

Q Okay.

8

A Just -- they -- they weren't involved at all,

9

really, in the day-to-day operation.

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Q So the photolithography work that your

11

husband was doing, was that -- was only that six-month

12

period, that he --

13

A No. He did a little bit of work on a 14 contract in California. I think he
had two or three

15

different jobs, little jobs.

16

Q Okay.

17

A That was his biggest job of the

18

(indiscernible).

19

Q Prior to 2020, did you and -- did you review

20

and sign your tax returns before they were filed?

21

A Yes.

22

Q Okay. Was there ever a situation where you

23

didn't even look at them?

24

A Not that I recall.

Q

Okay. Did you review and sign your 2020 tax
returns?

A

Absolutely not.

3

Q Prior to us receiving copies of them, were

4

you even aware that they had been filed?

25

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5 A Not until I received -- the refund.

6 Q Well, I'm saying for 2020?

7 A No, I wasn't aware.

8 Q Okay. How did you -- how did you become

9 aware -- and I think you just answered that -- so

10 is -- you received a refund check. Is that how you 11 became aware that your

2021 returns were filed? 12 A Yeah. I was very shocked to receive a --

a 13 refund for something that I never filed for. 14 Q And did Mr.

White ever call you and talk to

15 you about those returns being filed?

16 A Not a word.

17 Q Okay. And then I think it was -- oh, sorry,

18 whatever exhibit that one was here. That was Exhibit

19 43. That was a copy, and I think the -- the original 20 was in the court file -- was

that

21 something -- you -- you received that from the Oregon 22 Department of Revenue?

23 A Yes.

24 Q Okay.

MR. SHIPLEY: Your Honor, I -- and we're

right at 5:00 so --

THE COURT: How much more are you going 3 to have with Ms. White?

25

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MR. SHIPLEY: I just needed to kind of
go through it, and then -- I have, like, a couple of
key cleanup questions. If we could just pick it up,
like, right at the beginning tomorrow and then --

THE COURT: Go ahead and finish. 9

MR.

SHIPLEY: Okay. I don't even know
if I do. I just got to go through this real quick.

THE COURT: Um-hum.

(Pause)

BY MR. SHIPLEY:

Q Ms. White, how long do you intend to work
for?

A As long as I can.

Q Okay.

A Probably till I'm 67.

Q Okay. If you're physically able, would you
work beyond that?

A Possibly.

Q The -- other than, like -- there was some
outdoor, or outdoor, like, decorations that were in

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those photos -- was the other -- is the other, like, items that you
-- that came with you from the

home -- is that in your room now or --

A Most of it, yes.

3

Q Okay. Okay. And did you ever -- when was 4 the last time you worked full-time

as you are now? 5

A When Mr. White was in college, I worked three 6 jobs.

7

Q So while he was in school, you were working

8

three jobs?

9

A Yes.

10

MR. SHIPLEY: Your Honor, no more

11

questions.

12

THE COURT: Okay. We'll start tomorrow

13

with the -- Mr. White being able to ask questions of 14 Ms.

White. We have -- our 9:00 went away, so 9:00 is 15 available.

16

MR. WHITE: Okay.

17

MR. SHIPLEY: I think I told a few

18

people I would call them. Can we start at 10?

19

THE COURT: We can.

20

MR. SHIPLEY: Okay.

21

THE COURT: Yep. All right.

25

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22

MR. SHIPLEY: Thank you. 23

THE COURT:

We'll be back here for 24 10:00.

MR. SHIPLEY: Can we leave our stuff in

here?

THE COURT: The only thing that ever

3

comes up is ex parte. And I obviously wouldn't leave

4

anything --

5

MR. SHIPLEY: No, I'll take, like, my

6

computer --

7

THE COURT: -- expensive, like don't

8

leave the computer. Ms. Ragstall (phonetic) tends to

9

walk away with those things. But that's okay.

10

UNIDENTIFIED SPEAKER: Huh.

11

THE COURT: But, yeah, I mean, don't

12

leave things that you're going to be worried about, but

13

your books, that's fine.

14

(Proceedings concluded at 5:02 p.m.)

15

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July 25, 2022

480

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481

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July 26, 2022

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TRANSCRIPT OF COURT TRIAL
THE HONORABLE D. CHARLES BAILEY
CIRCUIT COURT JUDGE.

4

5

APPEARANCES:

6

For the Petitioner: Attorney at Law
By: James T. Shipley
Portland, OR 97321

7

8

For the Respondent: Pro Se
By: David C. White
Portland, OR 97229

9

10

11

(9:59 a.m.)

12

THE COURT: All right. This is our

13

continuation in the White proceedings with multiple

14

cases. We have Mr. White here representing himself.

15

We have Ms. White here, represented by Mr. Shipley.

16

Ms. White, I think we left -- is there anything we need

17

to take up, I should say before we bring Ms. White back 18 up

and allow for cross-examination?

19

MR. SHIPLEY: Not that I'm aware of, 20 Your Honor.

25

July 26, 2022

Julia White-X 482

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21

THE COURT: No. Okay. Come on forward,

22

Ms. White. It's a new day. We will swear -- re-swear

23

you in. Raise your right hand.

24

JULIA WHITE

recalled as a witness for the Petitioner, having been
duly sworn, testified as follows:

THE COURT: Watch your step up. Once 3 you're there and seated,
tell us your full name and 4 spell your last name, please.

5

THE WITNESS: My name is Julia Annette

6

White. My last name is W-H-I-T-E.

7

THE COURT: Mr. White, you may ask

8

questions.

9

CROSS-EXAMINATION

10

BY MR. WHITE:

11

Q Yes. Do you have your Exhibit 44? Or I can

12

bring you this one if you'd like.

13

THE COURT: It's your USB.

14

THE WITNESS: Yes, I do.

15

MR. WHITE: You have it?

16

BY MR. WHITE:

25

July 26, 2022

Julia White-X 483

1

2

17

Q Okay. So page 1 of 2 it says at the bottom.

18

A Um-hum.

19

Q These numbers here, are they actually your

20

current expenses?

21

A On the first page?

22

THE COURT: No. He's talking -- it's

23

actually --

24

MR. WHITE: No. This page here.

THE COURT: -- the attachment, third
page.

MR. WHITE: It says 1 of 2 on the
3 bottom.

4 THE WITNESS: Okay. No.

5 BY MR. WHITE:

6 Q Could you please provide to me what -- one

7 of these of your current expenditures in the near

8 future so we can correctly assume what it is. Are

9 these actually projected? So sometime in the future, 10 you would have these
expenses, or where did these come 11 from?

12

A As soon as I'm out and have a house of my

25

July 26, 2022

Julia White-X 484

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2

13

own, this is what I think my expenses will be.

14

Q Okay. However, didn't yesterday you 15 testified that it would probably be a long time before 16 you do that because the houses are too expensive there?

17

A I don't recall saying that.

18

Q Well, you said that the houses are too 19 expensive, so I won't be buying a home for quite a 20 while, something like that.

21

A I don't remember saying anything like that. 22 Q No, you said that --

23 A I said that I would have to go out about 45 24 minutes.

Q Out about 45 minutes. Okay. Yeah, because they're too expensive.

A Correct.

3

Q Okay. All right. And then yesterday, you

4

also testified -- I believe you testified, and you can

5

correct me if I'm wrong -- that the grass was dead on

6

the front lawn because of some high-temperature. You 7 couldn't keep the plants and grass, right? Did you say

8

something like that?

9

A I said, we had 115-degree weather.

10

Q Yeah. Okay. Well, I downloaded the actual

25

July 26, 2022

Julia White-X 485

1

2

11

weather data from last August. There was no 115 day. 12 And it's right -- and I
put it in today's -- where I 13 put it in -- tell me where in the weather last
August,

14

this page or the next one, you see 115 value?

15

A I don't see one on your page.

16

Q Yeah. And there is not one on either page,

17

and that is data from online that anybody can search

18

for last August values for Portland, and you'll get the

19

same data. So there was no 115 temperature last August 20 here.

21 A I'm speaking of the year prior to -- to last 22 August.

23

MR. SHIPLEY: Your Honor, I object.

24

He's taking testimony as questions --

MR. WHITE: No --

MR. SHIPLEY: -- and that should be

stricken.

3

THE COURT: Overruled.

4

Everybody -- it's a fair question.

5

MR. SHIPLEY: Okay.

6

THE COURT: Just wait for him to ask a

7

question.

25

July 26, 2022

Julia White-X 486

1

2

8

BY MR. WHITE:

9

Q I believe -- well, we were talking about the

10

grass so you -- I thought you were talking about the 11 grass

being dead last August, right? Yesterday? 12

THE COURT: I'm not sure it was last 13 August.

14

MR. WHITE: Well, that's when I -- when

15

the pictures were -- that were taken she said, right?

16

On the exhibit, the pictures were taken --

17

THE COURT: I believe she was talking

18

about the video, that --

19

MR. WHITE: Oh, the video -- yeah,

20

when --

21

THE COURT: And I don't know if it was

22

ever established as to when the video was taken.

23

MR. WHITE: Okay.

24

THE COURT: Do you know when you took
the video?

MR. WHITE: That video was in March.

There wasn't any dead grass at that time.

3

THE COURT: Okay. Just saying -- do you

4

have a question for her about --

25

July 26, 2022

Julia White-X 487

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5 MR. WHITE: But I do have --

6 THE COURT: I'm not sure how it's really

7 relevant. You guys have already sold the house.

8 MR. WHITE: Yes, I understand that. But

9 I want to point out -- what I'm trying to get at is 10 that she testified that she did all this
stuff -- why

11 am I getting that. I turned -- I turned the sound off.

12 I don't know why that's coming up. The sound is off. 13 Anyway, she testified she did all
these things, but she

14 did absolutely nothing for curb appeal.

15 THE COURT: I don't know how it's

16 relevant. You guys have already sold the house. The

17 house sold for what it is.

18 MR. WHITE: I --

19 THE COURT: The division is up for the

20 Court to make -- decide on. I don't think -- are you

21 asking this Court to give you a greater amount of the

22 house that was sold because of the work that you

23 testified you put in?

24 THE WITNESS: I wasn't asking for that,

25

July 26, 2022

Julia White-X 488

1

2

but I wouldn't be opposed to it.

THE COURT: She's not asking for it.

MR. WHITE: No, she's not asking for it.

3

relevant.

THE COURT: Yep. I don't know how it's

4

5

MR. WHITE: Well, how it's relevant --

6

THE COURT: And I know for sure -- and I

7

know -- just to, for the -- because the Court could

8

take judicial notice of --

9

MR. WHITE: Well --

10

THE COURT: -- whether that -- there was

11

certainly some 115-day weather last year.

12

MR. WHITE: I'll look up the other data, 13 but there certainly

wasn't in August.

14

THE COURT: What day was it that it was

15

100-plus degrees in here?

16

THE CLERK: June 29th.

17

THE COURT: June 29th.

18

MR. WHITE: Okay, June 29th. 19 THE COURT: Yeah. Because

air-

20

conditioning stopped here in the courthouse.

25

July 26, 2022

Julia White-X 489

1

2

21

MR. WHITE: Oh, okay. Well, on June

22

29th then, but -- okay. All right. Well, I have some

23

other questions.

24

BY MR. WHITE:

Q

So Exhibit 9, do you have this up there?

A

Yes.

Q

When you go to -- well, maybe it's 10, I

3

guess. I'm sorry. Yeah.

4

MR. SHIPLEY: Are we in Exhibit 10?

5

MR. WHITE: Yeah, I think so.

6

MR. SHIPLEY: Okay.

7

MR. WHITE: I'm trying to locate some of

8

the -- find the pictures. I'm trying to find the

9

pictures of the items that were taken up to 10 (indiscernible). I think they're in here

somewhere.

11

Yeah, let's start on page, I think it's 7 of number 10.

12

BY MR. WHITE:

13

Q

So this green thing here, do you remember 14 when you purchased it?

15

A

I purchased it in the Spring Fling Garden

16

Show one year.

25

July 26, 2022

Julia White-X 490

1

2

17

Q Um-hum.

18

A I go every year, so I'm not sure which year.

19

Q Okay. And the items on page 8, do you know 20 when you purchased those?

21

A That pile came from several different places

22

and times throughout the years.

23

Q From estate sales or --

24

A Estate sales, from Fred Meyer, from probably goodwill --

25

July 26, 2022

Julia White-X 491

1 Q

2

Okay.

A -- who knows.

3

Q Same thing on 9, I suppose?

4

A That stuff came from estate sales.

5

Q Okay.

6

MR. SHIPLEY: Your Honor, I'm going to

7

object to relevance. I thought we'd kind of resolved 8 that
we're going to go through this auction process to 9 deal with
the personal property.

10

THE COURT: Is there anything that's

11

relevant to the questions for her now?

12

MR. WHITE: Yes, there is.

13

THE COURT: Okay. Go ahead.

14

BY MR. WHITE:

15

Q All right. This picture --

16

THE COURT: That is -- no, no, no. Not

17

just because you tell me that there is. What is the
relevance?

18

19

MR. WHITE: The relevance is

25

July 26, 2022

Julia White-X 492

Q

that -- well, there's a -- like, there's a couple of 21 things here.

If you want to talk about mediation and 22 why we didn't do it,
we can talk about that.

THE COURT: No. I don't want to settle

negotiations. It's not allowed in by statute. What is the
relevance of this personal property that was agreed

that you guys have had an auction. You guys have already given me your -- what you
thought is

3 appropriate, and then the Court will make a decision on 4 those when it makes its final
decision.

MR. WHITE: The relevance here is that

yesterday she said she agreed with what her sister 7 said.

Her sister said that the stuff that she just

said she purchased was hers, in previous testimony.

9 The same thing as this item number 10 where I went and 10 picked it up, and she gave -
- her sister gave it to her 11 for her birthday.

THE COURT: So what's the relevance?

I'm still trying to figure that out.

MR. WHITE: Well, the relevance is more

July 26, 2022

Julia White-X 493

1 Q

2

15 perjury. It's more of the same saying something is 16
something when it's not.

17 THE COURT: Objection sustained. Move
18 on.

19 MR. WHITE: All right.

20 BY MR. WHITE:

21 Q When was the last time we did paper tax forms
22 for personal, where we would actually sign the
23 documents? How -- it's been how long? Do you
24 remember?

A I don't -- I don't recall.

Was it like 1990s? 2000s? Do you remember
that rough timeframe?

3 A I remember the timeframe. I have no idea.

4 Q Okay. But since then, at least doing it
5 online, I always did it. I oftentimes -- or especially
6 if you wanted, I'd show you the information. But you 7 always gave me
permission to use your pin to do that; 8 is that correct?

9 A It wasn't a blanket for the rest of my life,
10 no.

25

July 26, 2022

Julia White-X 494

1 Q

2

11 Q Did you ever tell me that? 12 A I never -- I never believe I gave
you 13 permission to use my pin?

14 Q I -- I created the pin and told you --

15 A Correct.

16 Q -- what it was.

17 A Yes. I believe that you did create a pin,

18 and you did tell me what you were going to do.

19 Q Yeah.

20 A I don't remember giving permission. 21 Q Oh, well, we did it that
way for --

22 A Yes, that's the way it was done. 23 Q -- several years. Okay. All right. So you 24 don't think
you ever gave me permission? All right.

So then if you didn't think it -- so you never revoked
that permission then either, right?

A Apparently not.

3 Q Okay.

4 A How can you revoke something you didn't --

5 Q Yeah.

6 A Yeah. Um-hum.

7 Q All right. Dr. Doug -- David Douglas --

25

July 26, 2022

Julia White-X 495

1 Q

2

8 A Um-hum.

9 Q You testified that Dr. Davis called to verify
10 what I said. Do you remember that time when he called
11 you when I was sitting in his office after the
12 Christmas thing?

13 A Um-hum.

14 Q Okay. And did you -- you ended up
15 corroborating what I had to say, I guess. You said the
16 same thing that I had said that happened on Christmas,
17 right? If I remember right? This --

18 A I'm not sure what you're talking about?

19 Q Well, I was -- 20 A Why we were there?

21 Q Yeah, while I was there, he was -- he had you
22 on speakerphone. He was calling you to verify what I 23 had told him about
what happened on Christmas. Do you

24 remember that conversation? A Not
particularly.

Oh, okay. All right. So who
actually -- well, it was on that, so if you don't
remember, then maybe that's too bad -- but do you know

3
25

July 26, 2022

Julia White-X 496

1 Q

2

4 who actually brought up the guns first to Dr. Douglas?

5 A He did.

6 Q Okay. All right. I'll move on. SNAP 7 benefits. Did we apply in October 2020
for SNAP?

8 A You did, yes.

9 Q For both of us, right?

10 A Correct.

11 Q Right. And who had that card in their purse
12 and used it mostly?

13 A That would be me.

14 Q Right. Did you still have that card in this

15 frame when you tried to apply for other -- 16 A No, I had thrown it out.

I moved to 17 Washington, and then I came back to Oregon to prepare
18 the house for sale.

19 Q Oh.

20 A And that's when I tried to apply. 21 Q Oh, okay. Well, the
reason why you were

22 denied is because they were still on there.

23 MR. SHIPLEY: Objection.

24 THE COURT: Sustained. MR. WHITE: All right.

25

July 26, 2022

Julia White-X 497

1 Q

2

BY MR. WHITE:

Q What was from my father's estate besides the 3 trailer and the guns? What
items did we get from his 4 estate?

5 A Money. It seemed like boxes of pictures, and

6 I don't know what all.

7 Q Okay.

8 A A bunch of stuff in the garage.

9 Q All right. In your deposition, you testified
10 that you were looking at a SPED program in Gresham.

11 A I have no idea what that is.

12 Q You had talked to somebody that they had an
13 opening or something in S -- SP -- special ed in

14 Gresham back in?

15 A Yes. Um-hum.

16 Q That didn't pan -- pan out, I guess?

17 A I didn't pursue it.

18 Q Oh, you didn't pursue it. Okay. All right.

19 Oh, I see. So Exhibit 44, which was the paper one,
20 right?

21 A Right.

25

July 26, 2022

Julia White-X 498

1

Q

2

22

Q I think that was the taxes, right?

23

A It was the Uniform Support Declaration.

24

Q Oh. Oh, okay, that -- that was the one I already asked you about.

July 26, 2022

Julia White-X 499

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2

A Correct.

Q Okay. Yeah, I don't need that, then. In 3 June of 2021, did three or four
realtors contact you 4 with clients interested in purchasing the home?

5 MR. SHIPLEY: Objection, relevance. 6 THE COURT: Just out of curiosity, how 7 is it
relevant?

8 MR. WHITE: She testified that she did
9 everything she could to get the house for sale. But 10 I -- she didn't.

11 THE COURT: I guess I go back to whether
12 she did or she didn't, I'm just not sure how relevant
13 it is to what this Court has to decide.

14 MR. WHITE: Okay.

15 THE COURT: And if you can give me a
16 good reason how it is, then I'm -- I'll let you ask the
17 questions. But I'm not sure what it is. The house is
18 sold.

19 THE WITNESS: Yes.

20 THE COURT: And the Court will make an
21 equitable distribution of the --

22 MR. WHITE: Yes.

23 THE COURT: -- proceeds of that home.

25

July 26, 2022

Julia White-X 500

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24

MR. WHITE: Yes. We already did that,
yes.

THE COURT: Right? So --

MR. WHITE: The relevance here, Your 3 Honor, is that just more lies
by witnesses on the
4 petitioner's side. And I don't like lies. And I 5 know -- I'm pretty sure you don't like people
lying on

6

the stand.

7

THE COURT: I don't --

8

MR. WHITE: And that's why -- 9

THE

COURT: -- I don't like people lying

10

anywhere, but --

11

MR. WHITE: Well, yeah, I don't, either.

12

That's why I'm going to get the testimonies of the

13

other ones and put in for perjury with the county.

14

And -- but what this shows is that she didn't -- she

15

says she did things to get the home ready for sale. 16 But this
proves that she didn't. And she lied under 17 oath. And that's
more perjury, right?

18

THE COURT: It's not lying under oath.

25

July 26, 2022

Julia White-X 501

1

2

19

MR. WHITE: Isn't she under oath, and

20

she said --

21

THE COURT: She is, but saying "I did

22

everything right" is essentially not a factual 23 statement.

24

MR. WHITE: Well, if she did, she said -- she said --

THE COURT: Because you -- because

really, could you ever measure what everything is?

3

MR. WHITE: Well, no. She didn't say

4

everything. She said --

5

THE COURT: That's what you said.

6

You've said three times that's what she said. 7

MR. WHITE: Well, she said specific

8

things she did.

9

THE COURT: Correct.

10

MR. WHITE: Right.

11

THE COURT: And no -- nothing is ever

12

brought up whether or not she did anything regarding 13 any

real estate agents prior to in her getting the home

14

ready for sale.

15

MR. WHITE: Right.

25

July 26, 2022

Julia White-X 502

1

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16

THE COURT: So she hasn't given me any

17

testimony regarding anything prior to that. How could

18

it be perjury? She hasn't even been asked that

19

question --

20

MR. WHITE: She --

21

THE COURT: -- or answered that

22

question?

23

MR. WHITE: She testified yesterday that

24

she --

THE COURT: She testified yesterday that
she did a bunch of things to get the house ready for sale, yes.

3

MR. WHITE: Yes.

4

5 whether or not three real estate agents contacted her 6 previous to that.

7

MR. WHITE: Yeah, that's -- that's fine.

8

I don't need that question, but the next question will 9 show

that she knows what to do, and she didn't do it.

10

THE COURT: Go ahead and ask your next

11

question then.

12

MR. WHITE: All right.

13

THE COURT: Sustained.

14

BY MR. WHITE:

25

July 26, 2022

Julia White-X 503

1

2

15

Q How many -- how many curb appeal shows have
you watched in your life?

16

17

A Hundreds.

18

Q Hundreds, yeah. What's the first thing a
buyer sees when they come up to a house for sale?

19

20

A Front of the house.

21

Q Yeah. Exactly. Did you pressure wash the 22 concrete in the
front?

23

MR. SHIPLEY: Objection, relevance.

24

MR. WHITE: No.

THE COURT: I'll let him.

MR. SHIPLEY: What's that?

THE COURT: I'm going to allow it.

3

MR. SHIPLEY: Okay.

4

THE WITNESS: No, I did not.

5

BY MR. WHITE:

6

Q Yeah. Anyway, okay, that's fine. Why didn't 7 you pressure
wash the concrete?

8

A I had limited amount of time to get the house

9

ready for sale as quickly as possible. Judge Fun

25

July 26, 2022

Julia White-X 504

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10

specified that -- I can't remember the guy's 11 name -- he -- he gave us Steve

Grey, is the one that

12

was supposed to sell the house, not me.

13

Q Um-hum. Um-hum.

14

A And he said the house looked fantastic.

15

Q Um-hum. However, in your deposition, you

16

testified that you're -- or that you were there, I 17 think, like 60 percent of the
time during the summer.

18

You weren't there the whole summer, right?

19

A No, I was not.

20

Q So if you had stayed there, you could have

21

got things done, but you were doing other things,

22

right?

23

A I disagree with that statement.

24

Q Okay. All right. Where are the oak slabs that I had that I'd got from the
Wood Ministry at

Sunrise where we -- where I can cut him so we could make, like, a bench out of them?

Do you know where

3

those are?

4

A Yes, at the dump. They were moldy. 5 MR. SHIPLEY: Okay. Could you say

25

July 26, 2022

Julia White-X 505

1

2

6

that -- I couldn't hear that, Your Honor.

7

THE WITNESS: They were covered in mold.

8

9

MR. SHIPLEY: Okay.

10

BY MR. WHITE:

11

A So when I was making dump runs, I took them 12 to the dump.

13

Q They were sitting in the garage covered with

14

mold?

15

A Um-hum.

16

Q I don't know how that happened. Okay. Did

17

you remove yourself from the boards of Climate Change

18

Truth and photolithography in September of 2017?

19

A Yes, I did.

20

Q And why did you do that?

21

A I saw some things being done that I didn't 22 want my name associated

with.

23

Q And did somebody tell you to remove yourself

24

from those?

A No.

Q Okay.

25

July 26, 2022

Julia White-X 506

1

2

A It was my own conviction.

3

Q Okay. Did you -- and -- what did you tell me

4

when I -- when you asked me to remove yourself? Do you

5

remember?

6

A Yes. I want my name off of all of it.

7

Q Um-hum. And did you say anything else?

8

A I don't recall specifically what I said.

9

Q Okay.

10

A It was several years ago.

11

Q Did I tell you when you were removed?

12

A I don't specifically recall.

13

Q Okay. All right.

14

MR. WHITE: I think that's all I have at

15

this time.

16

THE COURT: Mr. Shipley, follow-up.

17

REDIRECT EXAMINATION

18

BY MR. SHIPLEY:

19

Q You wanted to be removed from the board of

20

that; that's correct?

21

A Correct.

25

July 26, 2022

Julia White-X 507

1

2

22

Q Did you ever agree that you were giving up 23 any
interest, like ownership interest, in the business,

24 any of those businesses?

A No.

25

July 26, 2022

508

1

2

Julia White-ReD

Q Okay. Did you ever sign any documents transferring your ownership
interests in any of those

3

businesses?

4

A I don't believe I did.

5

MR. WHITE: I submitted both of these to 6 the board.

7

THE COURT: Hold on. Mr. White, you're

8

done. Have a seat.

9

MR. WHITE: Okay.

10

THE COURT: You said you were finished,

11

and so it's Mr. Shipley's turn.

12

MR. WHITE: All right.

13

MR. SHIPLEY: No more questions. 14

THE

COURT: You may step down. You may 15 call your next
witness.

16

MR. SHIPLEY: Your Honor, at this time 17 we rest.

18

THE COURT: Mr. White, this is your

19

opportunity to present your side. You may --

20

MR. WHITE: Well --

21

THE COURT: -- call your first witness.

25

July 26, 2022

509

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2

22

MR. WHITE: Okay. Julie White, please. 23 THE COURT: Ms.

White, sit down and have

24 a seat.

MR. WHITE: Um-hum.

Julia White-ReD

THE COURT: Remind you you're still

under oath.

3

You may inquire.

4

JULIA WHITE

5

called as a witness for the Respondent, having
been

6

previously sworn, testified as follows:

7

MR. WHITE: All right.

8

DIRECT EXAMINATION

9

BY MR. WHITE:

10

Q So you -- so you just agreed you removed 11
yourself from those boards. I'll show you these.

12

THE COURT: Just show them to Mr.

13

Shipley, first.

14

MR. WHITE: He's -- he already has them.

15

I emailed them to him --

25

July 26, 2022

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16

MR. SHIPLEY: Whoa.

17

THE COURT: Hold on.

18

MR. WHITE: -- last night. 19

THE COURT:

Show him. He doesn't know 20 what you're going to show her.

21

MR. WHITE: Oh, okay.

22

THE COURT: So you need to show him

23

those.

24

MR. WHITE: Those two meeting minutes

from 2017 where she was removed and the shares

transferred to other people based on her wishes at the time. She may testify

differently but what she's 3 saying is simply not true.

4

THE COURT: And all of that commentary

5

is stricken from the record.

6

BY MR. WHITE:

7

Q So tell me what you see in these, please? 8 A

I see two pieces of paper with your signature 9 on it.

10

THE COURT: Were you present at this 11 meeting?

12

THE WITNESS: When these were typed up, 13 no.

14

THE COURT: Yeah. Were you present at

15

the meeting when it occurred?

16

THE WITNESS: No.

17

THE COURT: Were you secretary at the 18 time?

25

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2

19

THE WITNESS: I had relinquished that.

20

THE COURT: You had. I just wanted to

21

make sure. You relinquished that role by asking, at

22

the time --

23

THE WITNESS: Right.

24

THE COURT: -- to be removed from

everything.

25

July 26, 2022

Julia White-D 512

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2

You may ask a question.

BY MR. WHITE:

3

Q Yeah. So does it say that you still own any

4

shares in either one of them?

5

A These are just pieces of paper, Dave.

6

THE COURT: No, ask -- answer the

7

question.

8

THE WITNESS: No. No. These do not

9

say --

10

BY MR. WHITE:

11

Q They're not just pieces of paper.

12

A -- these do not say that.

13

Q They're not just pieces of paper. They're

14

legal documents. They show --

15

THE COURT: Well, I don't know if

16

they're legal documents. They're --

17

MR. WHITE: Well, they are. It's --

18

THE COURT: No, they're business

19

documents.

20

MR. WHITE: Well, they're legal business

21

documents (indiscernible).

22

THE COURT: Again, I don't know if

25

July 26, 2022

Julia White-D 513

1

2

23

they're legal. That's a totally different question.

24

But they're certainly business documents.

MR. WHITE: Well, they're certainly from those dates when they were
done.

THE COURT: I don't know that.

3

MR. WHITE: All right.

4

THE COURT: I've got no foundation for 5 that but go ahead.

6

MR. WHITE: Yes, you do. In what I

7

submitted, I put pictures of the file dates in with

8

that -- in what I submitted to the Court. So you

9

certainly do have that.

10

THE COURT: I have nothing in evidence,

11

Mr. White. Continue.

12

MR. WHITE: Pardon me?

13

THE COURT: Ask your next question.

14

MR. WHITE: Okay. All right.

15

BY MR. WHITE:

16

Q Later -- a couple of years later, standing on

17

the back porch of my home, did you tell me that you

18

wanted to divorce me if I didn't stop working on

25

July 26, 2022

Julia White-D 514

1

2

19

climate change?

20

A I know I was over the climate change, and I 21 could
have said that, but I don't recall telling you I

22

wanted to divorce you.

23

Q Well, all right.

24

A I told you that I was gagging on all the
climate change stuff, and I couldn't take it anymore.

Q Yeah. Okay.

MR. WHITE: Okay. All right. I think 3 that's all I have then.

4

THE COURT: Mr. Shipley, any questions?

5

CROSS-EXAMINATION

6

BY MR. SHIPLEY:

7

Q Ms. White, once again, did you ever sign any 8
document transferring your ownership interest in any
of

9

those businesses to anybody?

10

A No, I did not.

11

Q Was that ever your intention to relinquish 12 any ownership interest in
photolithography or any other

13

businesses?

25

July 26, 2022

Julia White-D 515

1

2

14

A No.

15

MR. SHIPLEY: Okay.

16

THE COURT: Mr. White? Do you have any

17

further questions based on those questions asked by Mr.

18

Shipley?

19

REDIRECT EXAMINATION

20

BY MR. WHITE:

21

Q When you say that you didn't relinquish any

22

of that, what -- what did you say to me -- well, you

23

just answered this question a little bit ago. You

24

said -- or did you say something like, "I don't want

anything to do with those anymore" -- or something like

25

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516

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2

Julie White-ReD

that? A minute ago you said you were -- you're fed up with it or something, right?

3

A Yeah, absolutely.

4

Q So you -- you said you didn't want anything 5 to do with it anymore or something like that. Was that

6

true?

7

A That was true.

8

Q Yeah. To me, that means you relinquish -- 9 MR. SHIPLEY: Objection.

10 MR. WHITE: -- all right to it. 11 THE COURT: Sustained. Whatever it

12

means to you is not appropriate.

13

MR. WHITE: Okay.

14

THE COURT: That's commentary.

15

MR. WHITE: All right. That's it.

16

THE COURT: Step down.

17

THE WITNESS: Thank you. 18 THE COURT: You may call your next 19 witness.

20

MR. WHITE: Brian White. And Julie

21

needs -- is he here? He should be here.

22

MR. SHIPLEY: I don't know if he's here.

23

MR. WHITE: He is subpoenaed for him to

25

July 26, 2022

Brian White-D 517

1

2

24

be here, and Julie needs to leave the room when he's testifying.

MR. SHIPLEY: My client is not going to
leave the room.

3

MR. WHITE: Well, okay.

4

THE COURT: Mr. White, come on forward

5

once again. You'll raise your right hand once again
to

6

be sworn.

7

BRIAN WHITE

8

called as a witness for the Respondent, having been
duly 9 sworn, testified as follows:

10

THE COURT: Have a seat. Once you're

11

seated and comfortable, let us know your full name and 12 spell
your last name for us.

13

THE WITNESS: My name is Brian Matthew

14

White. And my last name is spelled W-H-I-T-E.

15

THE COURT: You may inquire.

16

DIRECT EXAMINATION

17

BY MR. WHITE:

25

July 26, 2022

Brian White-D 518

1

2

18

Q In 2017, did you tell your mother to remove 19
herself from Climate Change Truth and photolithography

20

consulting?

21

A I don't remember that.

22

Q Okay. Later did you tell your mother to tell

23

me to -- that she would divorce me if I didn't stop

24

working on climate change?

A

We had conversations about your relationship.

I don't remember specifically.

Q

Okay. All right. Next question: Have you

3

helped plan this divorce since 2017?

4

A No.

5

Q When you contacted the Washington County

6

Sheriff about me being a supposed "missing person," did

7

they ask you if you tried to contact me before you 8 reported it?

9

A They -- they did ask if I tried to contact

10

you, yeah.

11

Q And what did you tell them?

12

A I told them that, as far as I knew, you were

25

July 26, 2022

Brian White-D 519

1

2

13

in Ghana, and you had said something about your cell 14 phone wouldn't work while you were there.

15

Q How -- but did you call me a few days later?

16

A Yes.

17

Q So when the -- when the Washington County

18

Sheriff asked you that, you told him you hadn't

19

contacted me, so why did they start the missing persons

20

when every -- well, why did they start the missing

21

persons when every -- well, why did they start the

22

missing persons -- MR. SHIPLEY: Objection.

23

In terms -- he can't know the state of mind of the 24 Washington County Sheriff.

THE COURT: Calls for speculation.

MR. WHITE: Okay.

THE COURT: Sustained. 3

MR.

WHITE: All right.

4

BY MR. WHITE:

5

Q Next question, I want you to consider

6

carefully your answers. I have the data and the IP

7

address and therefore, the physical address where one

8

Discover Card, three checking accounts, and one savings

25

July 26, 2022

Brian White-D 520

1

2

9

account were fraudulently attempted at Discover Bank on

10

May 15th, 2022. And I'll show you -- show that to you, 11 and I'll show it to him.

12

MR. SHIPLEY: Your Honor, I don't know

13

what the relevance of this would be.

14

MR. WHITE: We'll find out in a few

15

minutes.

16

THE COURT: What's the relevance?

17

MR. WHITE: The relevance is there's

18

only three people in the world who know my Social

19

Security number. And --

20

THE COURT: Actually, there's a lot more

21

than that. There is an entire government officials who 22 knows

your Social Security number.

23

MR. WHITE: Well, there's -- yeah --

24

THE COURT: -- well --

MR. WHITE: -- the

IRS.

THE COURT: I just want to make sure
because --

3

MR. WHITE: Well, no -- but I mean --

4

THE COURT: -- you're the person that's
arguing to this Court about when people make certain

5

25

July 26, 2022

Brian White-D 521

1

2

6 statements, whether the veracity of those statements is

7 true or not -- the accuracy of those statements is true 8 or not.

9 MR. WHITE: Right.

10

THE COURT: So if you're going to give
11 me statements that are you purporting to be completely

12

accurate -- but I know, and you know are not

13

accurate -- you should be called out on that.

14

MR. WHITE: Yes, sir --

15

THE COURT: So the statement that only

16

three people know --

17

MR. WHITE: All right.

18

THE COURT: -- you and I both know

19

that's not true. In fact --

20

THE WITNESS: Let me --

21

THE COURT: -- every single credit

22

company that you've ever applied for knows your Social

23

Security number, the government and all the people

24

within the government knows your Social Security number -- that
includes the federal and the state --

MR. WHITE: Right.

25

July 26, 2022

Brian White-D 522

1

2

THE COURT: -- knows your Social
Security number.

3

4

MR. WHITE: Can I rephrase?

5

THE COURT: Any of the -- sure, you can.

6

MR. WHITE: All right.

7

THE COURT: So I'd be careful what you

8

say --

9

MR. WHITE: Yes.

10

THE COURT: -- if you're going to hold

11

everybody else to the same sort of --

12

MR. WHITE: I will.

13

THE COURT: -- veracity in character.

14

MR. WHITE: All right. The only three

15

people who might want to hurt me --

16

THE COURT: No. We don't know that 17 either.

18

MR. WHITE: Well, there wouldn't be

19

anybody in the government or at a bank or something -- 20

THE COURT: I don't know. You've made

21

some statements about taxes and other stuff that would

22

indicate perhaps -- NOAA not being a truthful

25

July 26, 2022

Brian White-D 523

1

2

23

organization -- and some other stuff that there are

24

different ways in which people can hurt that aren't necessarily financial, right?

Sometimes it can be physical. Sometimes it can be emotional.

MR. WHITE: Yes.

3

THE COURT: Okay. Just ask your

4

question.

5

MR. WHITE: Yeah.

6

THE COURT: Without the prefacing of

7

whether or not something's true or not.

8

BY MR. WHITE:

9

Q Did you apply for these in my name?

10

A No.

11

Q All right. Did you give my information to

12

someone else to do this in -- and?

13

A No.

14

Q Okay. All right.

15

MR. WHITE: That's all I have.

16

THE COURT: Mr. Shipley, any questions?

17

MR. SHIPLEY: No.

25

July 26, 2022

Brian White-D 524

1

2

18

THE COURT: No, you can step down. You may call your next witness.

20

THE WITNESS: Can I sit in the courtroom

21

now or --

22

THE COURT: Do you have any intent to

23

call Mr. White back a witness?

24

MR. SHIPLEY: No.

THE COURT: Mr. White, do you have any

25

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David White-D 525

1

2

intention to call your son as a witness again?

MR. WHITE: No.

3

THE COURT: You may -- it may remain in

4

the court here, and you're excused from your subpoena.

5

You may call your next witness.

6

MR. WHITE: So I don't know, like, the

7

guy that's supposed to show up to interview me hasn't 8 got here yet. How do I --

9

THE COURT: What do you mean interview

10

you?

11

MR. WHITE: Well, to ask me the

12

questions when I testify for myself.

13

THE COURT: It doesn't work that way.

14

Unless it's an attorney again -- it's going to be your 15 attorney -- that's going to ask -- it doesn't work that 16 way.

17

MR. WHITE: So how do I testify and ask 18 myself questions?

19

THE COURT: You just get up the stand

20

under oath, and you tell me what you think is important

21

for me to know. Then I'm -- then Mr. Shipley will be

22

able to ask you questions. Did you want to call

25

July 26, 2022

David White-D 526

1

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23

yourself as a witness?

24

MR. WHITE: Yes. I want to call myself

as a witness.

THE COURT: Okay. Come on forward.

MR. WHITE: I want to put this in to

3

play some videos.

4

THE COURT: Hold on.

5

MR. WHITE: Like he did, this is the

6

list of the videos on it. I want to play --

7

THE COURT: Mr. White?

8

MR. WHITE: Yes.

9

THE COURT: Mr. White, come over to the

10

box over here.

11

MR. WHITE: Okay.

12

THE COURT: Yep. Raise your right hand

13

to be sworn.

14

MR. WHITE: Okay.

15

MR. SHIPLEY: Right hand.

16

THE COURT: Right.

17

MR. WHITE: The right hand. Sorry.

25

July 26, 2022

David White-D 527

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2

18

DAVID WHITE

19

called as a witness for the Respondent, having been
duly

20

sworn, testified as follows:

21

THE COURT: Go ahead. Have a seat.

22

THE WITNESS: Um-hum.

23

THE COURT: Tell us your full name and 24 spell your
last name.

THE WITNESS: David Charles White.

THE COURT: Okay. What do you want to
tell the Court.

3

DIRECT TESTIMONY

4

THE WITNESS: What I want to tell the

5

Court is that my wife and my son planned this divorce

6

since 2017. She removed herself from both of those

7

corporations in 2017. Later, she told me that she

8

would divorce me if I didn't stop working on climate

9

change. When I asked her who told her that, she said

10

Brian did. They tried to put me in a mental

11

institution. They had me go to Dr. David Douglas, and

12

Dr. David Douglas diagnosed me as narcissistic

25

July 26, 2022

David White-D 528

1

2

13

delusional.

14

However, every -- I looked over 60 pages

15

of his notes. Every time I went there, he offered me

16

psychotropic drugs. If I had taken those drugs, I 17

would be a vegetable right now, and slobbering all over

18 my face, that kind of thing.

19

THE COURT: So was the psychologist part

20

of the 2017 ploy?

21

THE WITNESS: No.

22

THE COURT: So he just did this on his

23

own?

24

THE WITNESS: On his own, right.

THE COURT: Not because of his

hypocritical oath to do no harm or because he thought that was the appropriate therapy
for you.

3

THE WITNESS: He thought that was the

4

appropriate --

5

THE COURT: Okay.

6

THE WITNESS: -- therapy. But -- 7

THE

COURT: But?

25

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David White-D 529

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2

8

THE WITNESS: I looked up what those

9

would be, and I put that in what I submitted today. I

10

would be a complete and utter vegetable by now. But 11 the first

thing is --

12

THE COURT: (Indiscernible) I want to

13

make sure --

14

THE WITNESS: Yes.

15

THE COURT: -- we live in what's called

16

a no-fault state.

17

THE WITNESS: Okay.

18

THE COURT: So the reasons that are

19

surrounding people getting divorced are not relevant.

20

Is there something about this ploy that you're asking 21 the Court

to consider that is related to the property

22

divisions that are before this Court?

23

THE WITNESS: Yes.

24

THE COURT: What? What is it?

THE WITNESS: Well, if I could finish, I

think you'll see.

THE COURT: No, no, no. I'll need you

25

July 26, 2022

David White-D 530

1

2

3 to tell me before I'm going to waste the Court's

4 time --

5 THE WITNESS: All right.

6 THE COURT: -- on an area that's not

7 relevant. I need you to tell me how it relates to the

8 property division that is properly in front of the 9 Court?

10 THE WITNESS: Well, there -- in terms of

11 the --

12 THE COURT: -- the spousal

13 support -- both -- since both are (indiscernible).

14 THE WITNESS: Well, the property

15 division back in, I think it was either October or

16 February -- I'm not sure which one -- when we talked

17 about it, you didn't want to hear any more about the

18 pile of wood, and you said it wasn't worth the Court's

19 time to deal with this. You had asked us to do

20 mediation. Perhaps you remember that, maybe you don't.

21 And -- but neither my attorney nor Mr. Shipley wrote up

22 the order for you to sign to do mediation.

23 Instead, we tried to do mediation

24 several times with Portland Mediators, but they -- THE COURT:

How is the 2017 ploy that

25

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David White-D 531

1

2

you're talking about that you believe your wife and your son conjured up relevant to me
making the decision

3

regarding --

4

THE WITNESS: All right.

5

THE COURT: -- property division or

6

spousal support? It's just a very simple question.

7

How does it --

8

THE WITNESS: Okay. All right.

9

THE COURT: How is it relevant?

10

THE WITNESS: I talked to a psychologist

11

about this, told him what happened, and they figured it

12

out. I didn't know it. But they planned this whole

13

thing. They planned to put me in a mental --

14

THE COURT: How -- even if it were to be

15

true, assuming it was true, how is it relevant?

16

Because there -- you realize, people have a right to

17

get divorces in the State of Oregon for whatever

18

reason --

19

MR. WHITE: Yes.

20

THE COURT: -- they want to get the

21

divorce. Whether they think a person has done them

25

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David White-D 532

1

2

22

wrong, whether they think a person has just changed

23

from who they were, whether they just don't want to go

24

on or want to live with that person anymore, it doesn't matter why people get divorced.

Does that make -- does

that part make sense to you?

THE WITNESS: Yes. I understand. Um3 hum.

4

THE COURT: So I'm trying to figure

5

out -- these are things in which you're telling me is

6

the reasons why she's getting a divorce. Your belief

7

why she's --

8

THE WITNESS: Yes. Um-hum.

9

THE COURT: -- getting a divorce, right?

10

THE WITNESS: Yes.

11

THE COURT: And/or maybe this

12

psychologist spoke as to why you're getting a divorce.

13

THE WITNESS: Um-hum.

14

THE COURT: The law doesn't care. So

15

what the law cares about is information related to

16

properly dividing the marital assets and/or making any

17

decisions regarding a request for spousal support.

25

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David White-D 533

1

2

18

THE WITNESS: Right.

19

THE COURT: So how is it related to

20

either one of those two?

21

THE WITNESS: It's related because their

22

goal was to put me in a mental institution so that she

23

could take our house, which was paid off, and the IRA

24

for herself. And -- and it's all greed. And she doesn't deserve
anything. And --

THE COURT: She doesn't deserve

anything?

3

THE WITNESS: She doesn't -- no, not for
what they did to me.

4

5

THE COURT: So she deserves nothing for

6

all the time in which you guys were married and lived

7

together, all the time that she raised the children

8

with you, and all the time that she put in, I think,

9

earlier testimony of having three jobs while you were

10

in school --

11

THE WITNESS: Um-hum. Um-hum.

12

THE COURT: -- if I remember correctly.

25

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David White-D 534

1

2

13

All of that, she deserves nothing.

14

THE WITNESS: She deserves nothing -- 15 THE COURT: Okay.

16

MR. WHITE: -- because of what they've

17

been doing to me.

18

THE COURT: Well, that --

19

THE WITNESS: And what they've been 20 doing to me.

21

THE COURT: -- gets back to that

22

narcissistic part again, doesn't it?

23

THE WITNESS: And what they continue to

24

do to me.

THE COURT: That gets back to that narcissistic part, doesn't it?

THE WITNESS: But -- 3

THE

COURT: Do you see how

4

those -- that's a narcissistic thought?

5

THE WITNESS: Yes. Yes.

6

THE COURT: Okay.

7

THE WITNESS: And this is why -- 8

THE

COURT: Do you think legally that's

9

why I should do? Do you -- if your position is -- and

10

I can -- because, like, we could short-circuit this

25

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David White-D 535

1

2

11

whole thing.

12

THE WITNESS: Yeah.

13

THE COURT: If your position is she

14

should get nothing, just tell me that. And I will

15

consider your thought process on why she should get 16 nothing.

But as to the reason that led up to divorce,

17

it's just not relevant.

18

THE WITNESS: All right.

19

THE COURT: But?

20

THE WITNESS: There's -- well, there's

21

two reasons legally why she won't get spousal

22

support -- in the law -- in Oregon law -- and that's

23

what I put in today's -- the Oregon law has several 24 tests

whether you can impute spousal support.

One is, can you pay it? And I can't pay

it. You know, I've -- I had a CPA testify. I put in my expenses for last month. I teach at a
school, so I

3

don't do anything else, so I don't have time to do

4

anything else. I don't do RV electric or anything else

5

anymore. I have applied for 35 jobs to try to get some

25

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David White-D 536

1

2

6

money where I could pay spousal support. But I don't

7

even get a phone screen.

8

THE COURT: All right.

9

MR. WHITE: I've uploaded my resume

10

and --

11

THE COURT: Let me ask you a question on

12

that.

13

MR. WHITE: Yes, um-hum.

14

THE COURT: Excuse me. You testified

15

yesterday there's only two people in this world that

16

can do consulting --

17

MR. WHITE: Right.

18

THE COURT: Right. And you're telling

19

me that being one of only two people in the world that 20 can do
that, you can't get hired on?

21

THE WITNESS: I can't get hired on at a

22

company.

23

THE COURT: Why?

24

THE WITNESS: I don't -- well, they
don't contact me to get hired on.

THE COURT: Have you applied to any

companies that do that work?

25

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David White-D 537

1

2

3 THE WITNESS: Thirty-five. Yes. 4 THE COURT: (Indiscernible) but do that

5 specifically?

6 MR. WHITE: Yes.

7 THE COURT: So there's only two people

8 in the world that could do what it is you do --

9 MR. WHITE: That's -- well, what -- the 10 consulting part.

11 THE COURT: -- and so nobody wants you.

12 THE WITNESS: The consulting part.

13 There's litho jobs out there.

14 THE COURT: No, no, no, no, no. I'm not

15 asking (indiscernible) -- I mean, going to work for 16 one.

17 THE WITNESS: Well, the going to

18 work -- I've applied for those jobs, 35 times. My

19 resume is in there. They don't like what's in my

20 resume, I guess. But I'm not going to tell them 21 that -- that I've

just been sitting on my thumbs for 22 the last seven years and

doing nothing.

23 THE COURT: You know, I appreciate that.

24 Nobody would want to tell them that. That's probably not going

to get you hired.

25

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David White-D 538

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2

THE WITNESS: Right.

THE COURT: But I just want to make sure

3

I got it right.

4

THE WITNESS: Yes.

5

THE COURT: -- to see if I understand.

6

Okay. And then how much money comes through Climate

7

Truth that you use for -- I'm trying to use the words

8

that you used yesterday -- uhm -- to keep you happy.

9

Is not the word you used?

10

THE WITNESS: All right.

11

THE COURT: You know what I mean. You

12

talked about how, for example, skiing. It paid for

13

your yearly pass to ski.

14

THE WITNESS: Um-hum.

15

THE COURT: What was the bylaw -- do you

16

remember what the -- the language in the bylaw was?

17

THE WITNESS: I have the bylaws over 18 there.

19

THE COURT: Give me the best of what you 20 remember it being.

21

THE WITNESS: Something like the health

22

of the Board of Directors --

25

July 26, 2022

David White-D 539

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23

THE COURT: Health. All right.

24

THE WITNESS: -- is important to the
corporation to continuing --

THE COURT: So -- how much money do you

use every month from Climate Truth for the health of

3

you?

4

THE WITNESS: I guess averaged

5

throughout the last year?

6

THE COURT: Yeah, every month.

7

THE WITNESS: Maybe, including that -- I

8

didn't buy it this year because I -- it didn't have the

9

money and I don't either -- maybe \$100 a month or 10 something, including that.

11

THE COURT: So all the alcohol, the

12

food, all the skiing, the camper, the camping, all that

13

sort of stuff that it paid for is -- if I had to do the 14 math and it
averaged a lot more than that -- would that 15 surprise you?

16

THE WITNESS: Well, I testified what

17

some of those things were going down to check sea level

18

rise --

19

THE COURT: Um-hum.

20

THE WITNESS: -- and then I called last

25

July 26, 2022

David White-D 540

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21

night -- my friends down there -- and they reminded me

22

so that Levi store?

23

THE COURT: Um-hum.

24

THE WITNESS: I had slipped on some wet

grass on the slope, and it cut my pants. And so I had

to go -- I didn't buy a Levi's pair that would have been 90 bucks. I just bought their off-

brand --

3

THE COURT: Sure.

4

THE WITNESS: -- for that. But all of

5

those are legitimate --

6

THE COURT: That was truly a benefit to 7 you.

8

THE WITNESS: But it's a legitimate 9 business expense also.

10

THE COURT: I know you think it's a

11

legitimate business expense.

12

THE WITNESS: Well, sure it is. Just

13

like --

14

THE COURT: But, what my point is, how

15

much per month are legitimate business expenses that

16

you used through that company -- to pay for gas, to pay

17

for alcohol, to pay for food, to pay for skiing, to pay

25

July 26, 2022

David White-D 541

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18

for camping -- how much per month does Climate Truth 19 help
you with?

20

THE WITNESS: There hasn't been any

21

camping in the last year, so none for that. Probably

22

about a 100 bucks a month because that's includes the

23

skiing -- the ski pass last year was four something. 24 Like I said, I
haven't bought it this year.

THE COURT: And so how much money does Climate Truth
basically spend per month?

THE WITNESS: Per --

3

THE COURT: How much did it spend in 4 June of this year?

5

THE WITNESS: I applied for a couple of

6

conferences, maybe 300 bucks or something like that. 7

THE COURT: Okay. And how much money is 8 currently in its
accounts?

9

THE WITNESS: 1,500 -- well, I'll add a

10

1,000 for John Elder that I testified in the deposition 11 about.

12

THE COURT: Um-hum. And how much in May 13 did it spend?

25

July 26, 2022

David White-D 542

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14

THE WITNESS: Well, a thousand for him

15

and --

16

THE COURT: A thousand for him for what?

17

THE WITNESS: He keeps -- people don't

18 like cctruth.org, so they report it as a -- as a porno 19 site or other garbage. And so it gets

blacklisted. So 20 he keeps it from being blacklisted.

21

THE COURT: So he's your IT sort of guy?

22

THE WITNESS: Yeah. Um-hum.

23

THE COURT: So how much money did

24

Climate Truth help you out with in June, as far as your personal
expenses?

THE WITNESS: I'd have to look at it,

but I don't think --

3

THE COURT: And I think that includes

4

liquor stores, that includes anything else.

5

THE WITNESS: Yeah, I don't think

6

anything in June that I remember, but I'd have to look

7

at the --

8

THE COURT: Mr. Shipley, what exhibit

9

was it that you had that had all the --

25

July 26, 2022

David White-D 543

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10

MR. SHIPLEY: Well, the statements I

11

already went through. It was Exhibit 34. It only went

12

through February is what --

13

THE COURT: 34. THE WITNESS: Okay. And that's what he

14

15

asked for.

THE COURT: Yep. Yep.

16

THE WITNESS: I don't -- yeah, I'd have

17

18

to bring it another time, I guess.

19

THE COURT: Right. So would it surprise

20

you that in February, there were nearly \$10,000 in 21 deposits?

22

THE WITNESS: No.

23

THE COURT: And then would it surprise

24

you that there were nearly \$9,000 in withdrawals?

THE WITNESS: No.

THE COURT: Okay. And how many of those

\$9,000 withdrawals were used to -- for your expenses?

3

THE WITNESS: Well --

4

THE COURT: Whether they're legitimate

5

business expenses or not but can --

6

THE WITNESS: I don't -- I don't -- I

7

don't remember. And I don't have it. So I don't know.

25

July 26, 2022

David White-D 544

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8

I'd have to look it up.

9

THE COURT: Okay. Restaurants in

10

Hillsboro? Any -- any reason that that would be 11 anything

other than -- I think you said you basically 12 had full control of
this.

13

THE WITNESS: I think I took -- Randy

14

and I went to dinner and talked about it.

15

THE COURT: Okay.

16

THE WITNESS: That would be the only 17 restaurant in Hillsboro.

18

THE COURT: Turbopark G, JHL,

19

California.

20

THE WITNESS: Turbopark G? I think that

21

was --

22

THE COURT: \$1,349.

23

THE WITNESS: Yeah. I think

24

that -- I -- I don't remember off the top of my head.

THE COURT: What is it?

THE WITNESS: I don't -- I don't know

off the top of my head.

3

THE COURT: You spent \$1,349 and you're 4 not sure what it is?

5

THE WITNESS: Yeah. I don't remember.

6

I'd have to look at it.

25

July 26, 2022

David White-D 545

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7

THE COURT: (Indiscernible).

8

THE WITNESS: You know, I don't -- I

9

don't know what it was. But most of --

10

THE COURT: AutoZones?

11

THE WITNESS: Something for my car, I'm 12 sure.

13

THE COURT: So the company pays for your

14

car?

15

THE WITNESS: Yes, because of the

16

experiment -- the experiment I did for two years

17

with -- with a ODOT permit.

18

THE COURT: Director of withdrawal, for 19 PayPal, 135 bucks?

20

THE WITNESS: It was probably a climate 21 change conference.

22

THE COURT: In-N-Out Burger, Keizer, 23 Oregon?

24

THE WITNESS: Yeah. Maybe coming back

from Depoe Bay. I don't know.

THE COURT: Ereleases.com.

THE WITNESS: That was a press release I 3 did for the publication of our

equilibrium manuscript,

4

the only one in the world ever published.

5

THE COURT: It cost 600 bucks.

25

July 26, 2022

David White-D 546

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6

THE WITNESS: Um-hum. 7 THE COURT: A direct withdrawal to 8
Synchrony Bank?

9

THE WITNESS: Yeah. That was to pay

10

Amazon for some things I bought for the corporation.

11

THE COURT: What did you buy? 12 THE WITNESS: I don't
remember. But

13

I -- but I know what Synchrony is.

14

THE COURT: Okay. Sunset Auto PA,

15

Ola --

16

THE WITNESS: Yeah.

17

THE COURT: -- \$150.60?

18

THE WITNESS: Yeah. Something -- 19 THE

COURT: Black AutoZone? These are
different ones.

20

21

THE WITNESS: Yeah.

22

THE COURT: You spent a lot -- so if I

23

could tell one month alone you spent about three to

24

four hundred bucks, and there's a couple more on here --

THE WITNESS: Um-hum.

THE COURT: -- regarding the car.

25

July 26, 2022

David White-D 547

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3 THE WITNESS: Yeah.

4 THE WITNESS: Okay. And you don't think

5 that as a result of -- those should be

6 considered -- because you talked about the law --

7 THE WITNESS: Yeah.

8 THE COURT: -- and would it surprise you

9 to hear that the Court should consider anything that is 10 a benefit to somebody as
income?

11 THE WITNESS: I had -- well, those are 12 business expenses.

13 THE COURT: Sure not -- I think they may

14 be business expenses --

15 THE WITNESS: They're not personal

16 because --

17 THE COURT: -- but they're business

18 expenses that you used for personal purposes. 19

THE WITNESS: No. I used it for the

20 experiment on U.S. 26 for two years.

21 THE COURT: Does it benefit you to be

22 able to go to an AutoZone store and buy parts for your 23 car?

24 THE WITNESS: It benefits the company to

25

July 26, 2022

David White-D 548

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be able to use that car.

THE COURT: Why are you refusing to
answer my question?

3

THE WITNESS: I'm not refusing.

4

THE COURT: You did. Yes or no? Does

5

it help you by being able to -- something goes wrong

6

with your car -- to go to the AutoZone store, or

7

wherever store, and buy parts for your car and the 8 business

pays for it. Is that a benefit to you? Yes

9

or no?

10

THE WITNESS: I suppose, yes.

11

THE COURT: Go ahead, Mr. White. What

12

else do you want to tell me that will be helpful in me

13

figuring out how to distribute the assets of this and 14 whether to
determine spousal support for Ms. White?

15

THE WITNESS: Okay. So I -- I explained

16

what the law says that --

17

THE COURT: I'm familiar with the law.

18

THE WITNESS: And you're familiar with

19

the law and that I can't pay spousal support. And

25

July 26, 2022

David White-D 549

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20

also, I have a medical issue; that is why I can't get

21

another job. And I do have a job. Unfortunately we 22 don't

have very many students, so I don't get paid very

23

much.

24

And -- but in terms of the

photolithography consulting, until there's an economic downturn, I won't get any more of

that. And if I'm teaching at this school, I might not do it because I

3

don't have time. I testified it takes 80 percent of my

4

week to make a PowerPoint and then teach it slowly and

5

then send them a link to the -- to the video of the 6 class when I teach it. So I don't really

have time to 7 do anything else.

8

THE COURT: Well -- there's -- you know

9

the theory of economic opportunity laws, correct?

10

THE WITNESS: Um-hum.

11

THE COURT: So if there's an opportunity

12

to make more money doing something else and not

13

teaching when you're only making \$200 for four months,

14

don't you agree you're losing money because of economic

15

opportunity loss? That you should do something else 16 and not

teach?

25

July 26, 2022

David White-D 550

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17

THE WITNESS: Yes. But it's important

18

to me for these children to be able to get a college

19

degree with their high school degree. And I never 20 thought I

would like teaching, but actually, it's very

21

rewarding.

22

THE COURT: So that's a conscious

23

decision. That's a --

24

THE WITNESS: Yes.

THE COURT: That's a -- but you agree?

THE WITNESS: Yes. It's not --

THE COURT: You've chosen to do what

3 you're doing at an economic loss.

4 THE WITNESS: I guess, yeah.

5 THE COURT: You may continue.

6 THE WITNESS: Okay. I wanted to explain

7 a couple of things. One is about what was said about

8 the taxes I filed. Vince Bernabei sent emails of the

9 filings I made to Mr. Shipley. And so his client 10 should have got those.

11

MR. SHIPLEY: Your Honor, I object. I

25

July 26, 2022

David White-D 551

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12

mean, there's no evidence. He's not presenting any 13

evidence that what he just said is even true. 14

THE COURT: You'll be able to cross-

15

examine him on that.

16

MR. SHIPLEY: Okay, will do.

17

THE COURT: You may continue.

18

THE WITNESS: Okay. Another thing I

19

want to -- what everybody -- my family and my wife,

20

everyone else -- to realize what happened the first

21

meeting with Dr. David Douglas. I was in his office,

22

and -- sitting in his office -- and he wanted to call

23

Ms. White to corroborate what I had said what happened

24

on Christmas Eve. So he did that, and then he asked her if she

had anything else, and she said, "What about

the gun?"

She's the one who brought up the guns.

3

He did not. And then he looked at me. I shrugged my

4

shoulders and nodded yes because I wanted to keep peace

5

in the family. And then he talked to her some more,

6

and she asked again. And he said -- he looked at me

25

July 26, 2022

David White-D 552

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7

again and again I shrugged and nodded forward -- and

8

then he said, "Yeah, let's remove the guns for now."

9

After nine months or so of meeting with

10

him, when he finally said that I was fine, I asked him,

11

you know, can I get the guns back now? And his words

12

to me -- and it's in the documents I have at my 13 house -- that I

could have got the guns back at any 14 time.

15

And I came home and told Julie that, and

16

she's, well, he kept bugging me. That's why I was

17

bugging you because he said that I could have got the

18

guns back at any time. I am not a danger to anyone,

19

having a gun or not. That is a complete and utter lie,

20

and there is no doctor who's told me that I can't have

21

guns.

22

As a matter of fact, I went to a

23

people's rights conference to get some students for our

24

school in Redmond, and there was a guy there selling used
magazines. I told him what happened --

MR. SHIPLEY: Objection, relevance.

THE WITNESS: No, I'm -- I'm going to

25

July 26, 2022

David White-D 553

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3

explain this.

4

THE COURT: Sustained. No. The

5

whole -- if you want to talk to me more about why you

6

believe she's in contempt for removal of the weapons or

7

destruction of the weapons, that's part of it -- what's

8

in contempt.

9

THE WITNESS: Um-hum.

10

THE COURT: But what somebody else may

11

have told you or why you went to a conference is just

12

not relevant to that. What is it specifically you

13

want -- you think is important for the contempt part of

14

this -- regarding the weapons, and why the Court should 15 hold

her in contempt?

16

THE WITNESS: Because -- well, I was

17

getting to that. So this person, I told him what

18

happened, he gave me a --

19

THE COURT: You can't go into what he 20 said because it's

hearsay.

21

THE WITNESS: Well, no, but he gave me a

22

magazine for my .30-06. Cleaning up the upstairs, I

25

July 26, 2022

David White-D 554

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23

found two boxes of .30-06 bullets that they missed. So

24

I loaded that magazine, and it's in the .30-06. But I haven't gone
out. I didn't -- gone to Brian's with it.

I haven't gone anywhere to any place to try to shoot somebody with it because that's not
the right -- I

3

don't do those kinds of things.

4

And they know this well, that I've never

5

done anything like that. And I won't do anything like

6

that. And right now, it's at home. It's sitting

7

there. It's not -- it doesn't have a bullet in the

8

chamber, but it has the magazine it. But I'm not doing

9

anything with it. So I -- that's what I wanted to say 10 that there is no reason to keep me
from having guns.

11

There is no doctor that ever said I can't have

12

it -- have them. So that's what I wanted to say.

13

THE COURT: Um-hum. Anything else

14

before I let Mr. Shipley ask you questions?

15

THE WITNESS: That's it. 16 THE COURT: Mr. Shipley.

17

CROSS-EXAMINATION

18

BY MR. SHIPLEY:

25

July 26, 2022

David White-D 555

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19

Q And you got the guns back, didn't you?

20

A Yes.

21

Q Okay. You testified in front of Judge Fun

22

that you used to make 5 to \$7,000 a year from RV

23

electrical; isn't that true?

24

A Yes.

Q

And isn't it also true that, in front of

25

July 26, 2022

David White-X 556

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2

Judge Fun, you told the Court -- you told Judge Fun that you normally received \$6,500 a year from

3

driving --

4

A Um-hum. Um-hum.

5

Q -- like for Lyft. And then after that, you

6

didn't want to go over a threshold.

7

A Um-hum.

8

Q Is that correct?

9

A Yes.

10

Q Okay.

11

A At that time, yes.

12

Q Well, you still have a driver's license,

13

right?

14

A Yes.

15

Q Okay. Now, you testified that you couldn't

16

afford any business cards.

17

A Um-hum.

18

Q Do you think if, like, maybe you bought a

19

little less liquor, you might be able to buy some 20 business cards?

25

July 26, 2022

David White-X 557

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2

21 A Not from photo -- not from Climate Change 22 Truth? It's not a business
expense for them.

23 Q Yeah, but you also testified that you put all
24 of the proceeds from the home refinance into Climate
Change Truth?

A Right. Um-hum.

Q Are you aware that you made \$25,000 in 3 deposits into Climate
Change Truth from November 1

4 through to February 28?

5 A Um-hum.

6 Q Is that a yes?

7 A Um-hum.

8 Q Okay. And then there was, like, deposits in 9 there from Lyft into the
Climate Change Truth that you
10 get for driving.

11 A Um-hum.

12 Q So you couldn't have used any of that 13 money -- that you put in
there of your own money -- to

14 buy some business cards to take out to the RV place?

25

July 26, 2022

David White-X 558

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15 A No. It's not a business expense. 16 Q But it was your personal
money that you put 17 into the Climate Change Truth account.

18 A Yeah. It's a donation to the corporation. 19 Then -- then it's not personal
money after that.

20 Q There wasn't -- so the money that -- you're
21 saying the money that you received from your
22 refinance --

23 A Um-hum.

24 Q -- was a charitable donation?

A Um-hum.

Q It's not on your tax return as a charitable donation?

3 A I don't need it for a deduction. Why 4 did -- why did -- you don't put
things in your tax 5 return (indiscernible).

6 Q So you're saying that you're so broke, but
7 then when you refinanced this property and took extra
8 money out --

9 A Right.

10 Q -- you just decided to give that to Climate
11 Change Truth?

12 A Um-hum.

25

July 26, 2022

David White-X 559

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13

Q For altruistic reasons?

14

A I don't know what altruistic means, but --

15

THE COURT: I don't know about all

16

altruistic. It's money spent on himself anyways.

17

MR. SHIPLEY: Well, I'm just asking if

18

that's --

19

THE COURT: Yeah, I know. I get it. 20

MR.

SHIPLEY: -- was his testimony.

21

THE WITNESS: It wasn't -- it wasn't

22

spent on myself. Those are legitimate business 23 expenses.

You can say differently, but it's simply not

24 true.

BY MR. SHIPLEY:

Q Did you go to your son's house and pick up the wood splitter?

3

A Yes.

4

Q Okay. So you entered his property and went

5

into his barn?

6

A No. Took a friend.

25

July 26, 2022

David White-X 560

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7

8

do it?

9

THE COURT: Did you direct the friend to

THE WITNESS: Yes.

10

THE COURT: Okay.

11

BY MR. SHIPLEY:

12

Q So the friend went in, you directed the

13

friend to go into his barn --

14

A Um-hum.

15

Q -- enter his barn --

16

A Um-hum.

17

Q -- and take the wood splitter, correct?

18

A Yes.

19

Q Do you know what a criminal conspiracy is?

20

A I do not.

21

THE COURT: Hold on, Mr. Shipley. I'm

22

going to -- and I -- the Court was probably derelict in

23

its duties. I want to make sure before we go any

24

further with this that you understand you have a Fifth

Amendment right to remain silent.

THE WITNESS: Okay.

THE COURT: You've called yourself as a

25

July 26, 2022

David White-X 561

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witness -- and to some degree -- you've opened yourself up for these questions. But I still want to make sure -- it's my obligation to warn you that what you say here is under oath and could be used against you in further proceedings, including proceeding of a criminal conspiracy to trespass and take a woodcutter that was not properly yours legally, depending on how people might perceive any and all that. And I appreciate that you believe it was. But certainly, you had been given a warning by the Court. And I want to be clear, don't say anything. I want to make sure you understand your rights as I've given them to you.

THE WITNESS: Yes.

THE COURT: And did you want to continue to answer these questions and be subject to this? Because if you don't, that's fine. I'm just going to sort of strike some things from the record, and the Court will make certain considerations because of your 21 right to remain silent. Did you want to exercise your right to remain silent?

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David White-X 562

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23

THE WITNESS: Yes.

24

THE COURT: Do you -- okay. We're not

going to ask any more questions regarding the
woodcutter.

MR. SHIPLEY: What was that?

3

THE COURT: We're not going to ask

4

any --

5

MR. SHIPLEY: Okay.

6

THE COURT: -- more questions regarding

7

the woodcutter.

8

MR. SHIPLEY: All right.

9

BY MR. SHIPLEY:

10

Q Mr. White, you had text -- sent text messages 11 to

your daughter in April of this year, correct? 12 A Yeah if

what's in the -- what I saw the other 13 day, right, or yesterday.

14

Q All right. And you've -- told her that if my

15

client, Ms. White, didn't stop this divorce and go

16

with, you know, do what you wished her to do -- that

17

you were going to charge Brian White, your son, with

18

two felonies; is that correct?

19

A Um-hum.

25

July 26, 2022

David White-X 563

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20

Q Okay. So when you made those comments to
your daughter you were intending to intimidate your
wife into taking action; is that correct?

21

22

23

THE WITNESS: No.

24

THE COURT: Hold on.

THE WITNESS: No.

THE COURT: This is in regards to the

contempt?

3

MR. SHIPLEY: Yes.

4

THE COURT: Is that why you're asking
these questions? You may answer the question.

5

6

THE WITNESS: No, I wasn't doing that.

7

I was making -- I don't make threats or anything or

8

intimidation. I was telling her what's -- what I'm

9

planning to do. But I still wanted this divorce

10

stopped. I wanted to get back together with my wife at

11

that time. But I wasn't able to talk to her, to 12 apologize or
anything like that.

13

THE COURT: I want to make sure I got

14

this right. You knew then by sending that message or

25

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David White-X 564

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15

contemplated by sending that message that she would 16 then

talk to your wife because only your wife can make

17

the decision to dismiss the divorce proceedings.

18

THE WITNESS: Um-hum.

19

THE COURT: And you didn't think that

20

that violated Judge Fun's order?

21

THE WITNESS: No, I didn't think so. 22

THE

COURT: You didn't think that that

23

violated the no contact provisional?

24

THE WITNESS: Well, what date was that?

THE COURT: In April --

MR. SHIPLEY: April 9 of this year.

THE WITNESS: Oh, April 9 of this year.

THE COURT: Yeah. Long after Judge

3

4

Fun's --

5

THE WITNESS: Yeah. Yeah. No, I

6

contacted my daughter. I don't know how -- well, I was 7 told I can't talk to her directly?

8

THE COURT: How would the message get

9

from you -- the message you gave your daughter -- how 10 is that going to get your

wife?

25

July 26, 2022

David White-X 565

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11 THE WITNESS: She's going to tell her, I 12 suppose.

13

THE COURT: And you didn't think that

14

violated Judge Fun's order of no contact? 15

THE WITNESS: I didn't think so because

16

I was contacting my daughter, not her.

17

THE COURT: Telling her, instructing her

18

to contact your wife?

19

THE WITNESS: Yes.

20

THE COURT: Yes.

21

THE WITNESS: I guess I don't

22

understand --

23

THE COURT: No, I get it. No different

24

than, you know, coming on -- when you tell somebody else to
go along on your son's property and trespass.

That could potentially be a conspiracy to commit a crime?

3

THE WITNESS: Um-hum. 4

THE COURT:

Yeah. I get it. Any

5

additional questions, Mr. Shipley?

6

BY MR. SHIPLEY:

25

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David White-X 566

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7

Q Yeah. I mean, are you aware that the order
from Judge Fun said, "The parties shall not communicate

8

9

in any form with one another during the pendency of

10

this case. And all necessary communications between 11 the parties will go
through the parties' attorneys."

12

Were you aware of that?

13

A Yes.

14

Q Okay. And then your daughter actually asked

15

you not to contact her anymore, correct?

16

A Right. Um-hum.

17

Q And then you actually emailed her again two

18

days later with the same --

19

A Probably.

20

Q -- the same threat.

21

A Yeah.

22

Q Yeah. Okay.

23

MR. SHIPLEY: No more questions, Your 24 Honor.

THE COURT: Anything else you think it's

25

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567

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David White-ReD

important for me to know based on the questions Mr.

Shipleigh asked you?

3 REDIRECT TESTIMONY

4 THE WITNESS: Yes, there is one thing.

5 I have over there the purchase for the wood splitter

6 where I bought it. So I can't go get something that I

7 already own or own most of. And I texted that picture

8 to the officer who called me, and he -- he didn't go 9 any further with Brian about it.

Furthermore, Brian 10 says he has no-trespassing signs on his property. He

11 should go look up the law. They're not legally posted.

12 The other thing is in that parking on the street in

13 front of anybody's house is not going on their 14 property.

15 THE COURT: I just want to make

16 sure -- I gave you -- I'm going to let Mr. Shipleigh ask

17 you questions now regarding the wood splitter because

18 you just gave up your right to remain silent because

19 you continue to talk about the wood splitter.

20 THE WITNESS: Okay. All right.

21 THE COURT: Yeah. I'll strike that from

25

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the record and not let Mr. Shipley ask any questions,

23

and I won't consider what you just said or if you want

24

me to know that stuff, that's fine. But you've opened up for Mr.

Shipley to ask you questions regarding the

wood splitter.

THE WITNESS: No, it's okay. We'll move 3 on.

4

THE COURT: All right. All that is

5

stricken from the record. Do you have anything else 6 that -- for

question that Mr. Shipley asked you that's

7

important for me to know?

8

THE WITNESS: No.

9

THE COURT: You may step down.

10

THE WITNESS: Okay.

11

THE COURT: You may call your next 12 witness.

13

MR. WHITE: I call Leland Jossy.

14

THE COURT: All right. I want to make

15

sure going forward Mr. Jossy wasn't in here while you

16

were testifying and what witnesses should be excluded 17 so that

-- I'll let him testify this time.

18

Mr. Jossy, raise your hand to be sworn.

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Leland Jossy-D 569

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LELAND JOSSY

20

called as a witness for the Respondent, having been

duly 21 sworn, testified as follows:

22

THE COURT: Go have a seat. Once you're

23

seated, if you could tell -- watch your step up

24

there -- if you're seated, why don't you tell us your full name and
spell your last name for us, please.

THE WITNESS: Leland Jossy, Jr.,

J-O-S-S-Y.

3

THE COURT: You may inquire.

4

DIRECT EXAMINATION

5

BY MR. WHITE:

6

Q Leland, were you in my home prior to all this

7

happening?

8

A Yeah.

9

Q So you --

10

THE COURT: Prior to all what? 11

MR. WHITE: To all -- to the divorce and

12

removing assets and all this.

13

THE COURT: Go ahead.

25

July 26, 2022

Leland Jossy-D 570

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MR. WHITE: Okay.

15

BY MR. WHITE:

16

Q And then you've been in my home in the last

17

few months --

18

A Yes.

19

Q -- including the other day, right?

20

A Yes.

21

Q Now what is the --

22

MR. SHIPLEY: Objection, very -- that's

23

like -- I don't -- there's like a -- I don't know if

24

there is a timeframe, but there's no specificity or -- to that
question.

THE COURT: We'll let him.

Mr. WHITE: Well --

3

THE COURT: -- we'll give him a little

4

Leeway to get there.

5

MR. SHIPLEY: Okay. 6 THE COURT: You may ask your next

7

question.

8

MR. WHITE: Yeah.

9

BY MR. WHITE:

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July 26, 2022

Leland Jossy-D 571

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Q So what is the condition or the amount of 11 furnishings
and things like that now compared to what 12 it was before?

13

A Well, when I went in it before, it was the
home of a long-time married couple, very nicely
decorated and -- as if two people live there in
harmony. And later it was things had been moved out.

14

15

16

17

There was less stuff the second time, a lot of things
have been taken. I -- I would say -- I don't -- I
don't know the value or quantity but it was different.

18

19

20

Before was all the furnishings of a couple, and after
would be say all the furnishings of half a couple,
maybe.

21

22

23

Q Um-hum.

24

A To put it -- and before and after being --

MR. SHIPLEY: Objection. That's nonresponsive.

THE COURT: Yeah. Wait for your next
question, Mr. Jossy. Thank you.

3

4

Ask your next question.

5

BY MR. WHITE:

6

Q So in terms of after, what would you say

25

July 26, 2022

Leland Jossy-D 572

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percentage wise is, in terms of number of items, 8 compared to what it was before?

9

MR. SHIPLEY: Objection, asked and

10

answered. He just said half.

11

THE COURT: I think he said he doesn't

12

really know. So other than the half -- can I ask you,

13

Mr. Jossy, you know what's going on here, right? The

14

house is getting -- it's getting prepared to sell and

15

all that, right?

16

THE WITNESS: Let's see, yeah.

17

(Indiscernible). Correct me if I'm wrong, but -- 18

THE COURT: The reason why I ask, have

19

you ever staged a home for sale? Have you ever staged

20

a home --

21

THE WITNESS: No.

22

THE COURT: -- for sale of the home?

23

THE WITNESS: No.

24

THE COURT: Have you ever looked at

homes online?

THE WITNESS: No. I have no knowledge.

25

July 26, 2022

Leland Jossy-D 573

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I've been a renter all my life.

3

THE COURT: Okay. So would it make

4

sense that in order to sell a home, you don't want the

5

clutter. You want people to think there's a lot of

6

room --

7

THE WITNESS: Absolutely.

8

THE COURT: -- and to have just a few

9

items that makes it look spacious.

10

THE WITNESS: I would think so.

11

THE COURT: Okay. And do you know

12

specifically what items were there when you were in it

13

before and then what items are now not in it?

14

THE WITNESS: No. No.

15

THE COURT: Any idea what was in it.

16

THE WITNESS: No. No. I just know it

17

was a, you know, it was a nicely decorated place. And

18

now, you know, it's like the walls are more barren and 19 there's

less furniture.

20

THE COURT: It looks more spacious?

21

THE WITNESS: Yeah. Yeah. 22 THE COURT: Okay. Mr.

White, do you

25

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Leland Jossy-D 574

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23

have any questions? Any additional questions?

24

MR. WHITE: Nope. I guess that's it.

THE COURT: Mr. Shipley, any questions

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July 26, 2022

Leland Jossy 575

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-X

for the witness?

CROSS-EXAMINATION

3

BY MR. SHIPLEY:

4

Q Mr. Jossy, did you look in the garage and see

5

all the property that was stored and contained in the

6

garage?

7

A Prior to?

8

Q At the -- all right. Let me -- let me fix 9 that question. After or after Mr.

White returned to

10

the property --

11

A Yep.

12

Q -- in approximately June, late May, early

13

June --

14

A Yes.

15

Q -- did you happen to look into -- go into the

16

garage, and look at all the property that was stored 17 and organized and that --

in the garage?

18

A Yes. Yes. I've been in that garage since.

19

Q Okay. And did you go in there as of -- well,

25

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Leland Jossy 576

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actually, let us go back -- forward to September. Have you been in there in September?

22

A Yes. Since -- since Dave returned back to

23

the house --

24

Q Okay.

A -- I've been in there several times.

-X

Q Okay. And was their property stored in that garage?

3

A Yes.

4

THE COURT: Mr. White, any questions

5

based on those that I asked or that Mr. Shipley asked?

6

MR. WHITE: No.

7

THE COURT: You may step down, Mr.

8

Jossy.

9

You may call your next witness.

10

MR. WHITE: I need to tell him to get on

11

now. These two witnesses by remote were originally set

12

for 1:30, but I didn't know how long this would take this morning.

14

THE COURT: Okay. Just so long as -- I

15

only want one witness at a time and I want the other

16

person --

25

July 26, 2022

Leland Jossy 577

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17

MR. WHITE: Right.

18

THE COURT: -- to log on at the same

19

time.

20

MR. WHITE: Right.

21

THE COURT: Okay. Who is it that you're 22 calling first?

23

MR. WHITE: The -- Hedrick -- I'm not

24

sure of his last name, the appraiser for the stuff that remained
in the house.

MR. SHIPLEY: Your Honor, I don't know what the relevance of that is
because we've already 3 decided that -- the Court's already decided we're going

4

through this auction process.

5

THE COURT: How is it relevant?

6

MR. WHITE: It's relevant to show that I

7

that -- she, well, she has 19,000, and I have 1,285

8

left in the house. The other thing I put -- well,

9

THE COURT: No, no, no. Let's go back

10

to -- I don't know. I can't remember the last name,

11

but this Hedrick --

12

MR. WHITE: Um-hum.

13

THE COURT: -- is indicated for -- I

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July 26, 2022

Leland Jossy 578

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don't care what the values of the home, of the items

15

are. I care about what you guys think the values are

16

and what -- that's what the auction is all about is for

17

the -- you guys to determine how valuable this stuff is 18 to you

or not valuable it is to you. So what's this 19 witness going to

be testifying about that's going to be

20

relevant?

21

MR. WHITE: He's -- he's going to

22

testify to the true value of what is there.

23

(Indiscernible)

24

THE COURT: It doesn't matter. My point

is --

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Leland Jossy 579

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MR. WHITE: Well --

THE COURT: -- it doesn't matter because

whether -- whether he thinks it's worth \$10,000, if you

bid 12 for it, 12 is what it's going to cost you.

MR. WHITE: Yeah. 6

THE COURT: Right. And it --

MR. WHITE: Right.

THE COURT: -- she bids 15, 15 is what

it's going to cost her. So it's not relevant as to

what it's actually -- what the actual value is. It's

no different than the Kelly Book. You use them

sometimes, right?

MR. WHITE: Yeah.

THE COURT: Really, if you said I want

it for \$20,000 over value, then I'm going to give it to

you --

MR. WHITE: Yeah.

THE COURT: -- \$20,000 over value, and

you're going to get credited with that amount of money,

and there'll be an offset somewhere. So is this person

have anything other than value of the home or value of

the property -- personal property -- that's subject to 23 the Court's
original auction.

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Leland Jossy 580

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MR. WHITE: He has the value of this property, but you're -- the auction is totally unfair to me. I have no money to bid with. So how am I going to bid anything?

THE COURT: That's a whole different thing. We're not going to have Hedrick then testify.

So do you have your other -- who's your other witness?

MR. WHITE: The auto appraiser who did 7 the correct auto appraiser.

THE COURT: That's fine. The auto appraiser's appropriate.

MR. SHIPLEY: Did he print -- was there 11 a report that that fella did?

MR. WHITE: Yes. It's in what I've submitted to the Court today also. And it was in the previous one --

MR. SHIPLEY: Is it in this -- 16 THE COURT: Is it something that when

Mr. Bernabei was your attorney, that he would have --

MR. WHITE: Yes.

THE COURT: Okay.

MR. WHITE: So I asked the auto appraiser to get on now, so we'll see. Hopefully, he

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Leland Jossy 581

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gets on soon.

THE COURT: Do you have any other

witnesses while you're waiting to see if he gets on?

Any other witnesses?

MR. WHITE: I would like to ask my wife a couple more questions that I remembered.

THE COURT: Nope.

MR. WHITE: I can't call her?

THE COURT: Yeah.

MR. WHITE: I can't call her? 7 THE COURT: What is it that you want to 8 ask her?

MR. WHITE: There was two very expensive pictures on the wall in our family room. I wanted to know where those went? Because they're not on the 12 list.

THE COURT: They're not on the list in the auction?

MR. WHITE: Nuh-uh.

THE COURT: That's fair, then.

MR. SHIPLEY: Well, in regards to the list, Your Honor --

THE COURT: Yeah.

MR. SHIPLEY: -- we exchanged, Mr.

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Leland Jossy 582

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Bernabei and I, what was supposed to be the final list.

THE COURT: I get that.

MR. SHIPLEY: It was agreed upon. It 24 was stipulated.

THE COURT: I think it's fair. I'll let
him ask the question.

MR. SHIPLEY: Okay.

THE COURT: But he can do it from right

there. I'll remind you, you're still under oath, Ms.

White. Go ahead. Ask the question.

MR. WHITE: Where, you know, those

pictures that were on the wall behind my chair in the 8 family
room? Where did those go?

MS. WHITE: They're hanging on the wall 10 where I'm living now.

MR. WHITE: Okay. So you took those

too. Okay. And what was the value of those? 13

MS. WHITE: I don't know. They were

pictures that my sister brought for me.

MR. WHITE: Yeah. Okay.

THE COURT: Any other questions? 17

MR.

WHITE: No. But they should be
added to the list.

THE COURT: Any other witnesses that you

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Leland Jossy 583

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have?

MR. WHITE: This Ken Nicks.

THE COURT: Okay. Where is --

MR. WHITE: Hopefully, he's --

THE COURT: Is he next or available or?

MR. WHITE: Hopefully, he gets on right

now.

THE COURT: Okay. Is that the auto

appraiser or --

MR. WHITE: Yes. The auto -- 5

THE COURT: Okay. No. But I mean,

other than Mr. Nicks, as we're waiting for Mr. Nicks --

MR. WHITE: Yes. We're waiting for Mr.

Nicks.

THE COURT: No. I get that. Other than

Mr. Nicks, is there any other witnesses that you intend 11 to call?

MR. WHITE: Not at -- not that I have 13 prepared for at this time.

THE COURT: Okay. Are you going to have

any rebuttal witnesses, Mr. Shipley?

MR. SHIPLEY: I doubt it.

THE COURT: Okay. Well, we'll wait for

Mr. Nicks to jump on. Did we have information from Mr.

Nicks so -- or did you send him the link?

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Leland Jossy 584

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MR. WHITE: I sent him the link this morning.

THE COURT: Good, so.

MR. WHITE: And I called him and let him know that it was there. Then I texted him also. And he texted me a little bit ago, so he should be hopefully getting on.

MR. SHIPLEY: Your Honor, I don't see 3 that there's -- within this exhibit list

that

there's any report from an auto appraiser? And then there was, like, a memorandum that just had stuff in it. But I didn't --

THE COURT: Do you have in all of the box of paperwork there, do you have Mr. Nicks's report?

MR. WHITE: Should be.

THE COURT: And/or do you know if it was marked as an exhibit by Mr. Bernabei previously? 12 MR. WHITE: Probably. In this book, 13 Exhibits 126 to 140.

MR. SHIPLEY: Oh, I've got -- I only got 135. Okay. If you have that one there.

MR. WHITE: You don't have this one? I don't know why Vince didn't send -- I'm 99 percent sure

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Leland Jossy 585

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when I sent this to him, I saw him send it to you by
email. Because --

MR. SHIPLEY: Well, I have his exhibit
book right here, but that only goes up to 135. 22

MR. WHITE: No, but I mean you would've
got this by email around the 6th of March.

MR. SHIPLEY: Well, that would have been
after our first trial date.

MR. WHITE: Yeah.

MR. SHIPLEY: Our first hearing date. 3

THE COURT: Can

you --

MR. WHITE: I'll give you a chance to
look at that.

MR. SHIPLEY: Thank you.

MR. WHITE: Ken Nicks came with actual
tools to measure peak thickness and a reflection board
that would show any dents or any scratches that were
not visible to the eye. So he did a professional 11 appraisal.
MR. SHIPLEY: Did he just do the Chevy?

MR. WHITE: No, he did the other one,
the Volkswagen. This one.

MR. SHIPLEY: Which one?

MR. WHITE: The Volkswagen, which is

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Leland Jossy 586

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right here. I'll email you both of these later today.

18

That's the Volkswagen one.

19

MR. SHIPLEY: Thank you.

20

MR. WHITE: Um-hum. 21 The Court doesn't have these, I'm 22
guessing?

23

THE COURT: I don't have them, no.

24

MR. WHITE: No.

THE COURT: It doesn't seem to be

(indiscernible).

MR. WHITE: They're not marked as those

3

exhibits --

4

THE COURT: No. No.

5

THE WITNESS: -- previous. 6 THE COURT: Mr. Nicks is not logging
on

7

at all.

8

MR. WHITE: No, not yet.

9

THE COURT: Did you get a text back from

10

him saying he was going to log in or?

11

MR. WHITE: Not yet. It said -- he

12

said, "Are you ready to testify?"

13

And I said, "Soon." 14

And then I said, "Can you

get on

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Leland Jossy 587

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now?" -- but I never got a text back.

THE COURT: Let's go -- or let's go on
recess until we get Mr. Nicks --

MR. WHITE: Okay.

THE COURT: -- online.

MR. WHITE: I'll text him and say to be 21 ready at 1:00 or something?

THE COURT: No. No. I want him to get
logged on --

MR. WHITE: -- to get logged on --

THE COURT: -- as soon as possible this
morning.

MR. WHITE: Okay. All right. It's our
last witness, and then we'll do argument, and done.

Get you all on the road. Go to recess.

(Court recessed from 11:24 a.m. to 11:37
a.m.)

THE COURT: Were we able to get Mr.
Nicks?

MR. WHITE: I don't think so.

MR. SHIPLEY: Your Honor, I think we
have an agreement regarding Mr. Nicks is that he -- we
would stipulate to the submission of or the admission

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of Mr. Nicks's reports into the evidence record. And

then it just be up to the Court to then --

THE COURT: Okay.

MR. SHIPLEY: -- look at that. And then

Mr. White wanted to make a statement pertaining to the

independence of Mr. Nicks that he thought would have

been important -- that he would've asked Mr. Nicks.

And we're -- we will agree to Mr. White being able to

just go ahead and say what -- say that --

THE COURT: Okay.

MR. SHIPLEY: -- on the record.

THE COURT: Mr. White, go ahead.

MR. WHITE: All right. So when Ken

Nicks did the correct appraisal for these two vehicles, again, using the tools of the trade to

measure paint thickness and all kind, you know -- a 4 reflection board to find these scratches
and other

issues -- to get the correct appraisal. He said he

doesn't do any work for any attorney because 100

percent or all the time -- and I'm not sure, and this

is what he was going to testify about today -- they 9 always ask him to target a value. And

in -- what I put

in yesterday was how the financial document that Mr.

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Shipleigh put in or gave us months ago, that had
unsubstantiated vehicle values, and Dave Smith values
were exactly 90 percent --

THE COURT: So you're getting a feel
from what you were going to tell me about Mr. Nicks. I
don't --
MR. WHITE: Yes. I want --

THE COURT: And there's a reason why.
There is a -- and I want to make sure you know why I
don't want you to go into what the other witness
said --

MR. WHITE: Okay. All right.

THE COURT: It's not fair to Mr.
Shipleigh. They have their reports and they have their there witness come in.

MR. WHITE: Um-hum.

THE COURT: The reason is there is an 3 area of law that says where a
witness cannot comment on
the credibility of another witness.

MR. WHITE: Okay.

THE COURT: And so Mr. -- if Mr. Nicks
was going to get up on the stand or whatever and say,
"I'm sorry. He's wrong."
It's not appropriate because I make the

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determination who's credible, who's not, or what
credibility to give each witness.

MR. WHITE: Um-hum.

THE COURT: So not the witnesses. So I
don't want to go into anything regarding their folks,
their estimates. Anything else that you think would be
important for me to understand about Mr. Nicks and Mr.
Nicks' reports?

MR. WHITE: Okay.

MR. SHIPLEY: I think you've said -- he
said what --

THE COURT: Yep. That's why I was
asking him if there is anything more that you think is
important for me to know about Mr. Nicks or Mr. Nicks'
reports, as far as what the courts should view when considering his
reports.

MR. WHITE: I think we -- well, I think
his reports speak for themselves.

THE COURT: Okay.

MR. WHITE: I think he talks about the
years of --

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Leland Jossy 591

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THE COURT: What -- and I don't know 7 what they're marked as.

MR. SHIPLEY: No. I think -- I think
they're over here. He's got them still.

THE COURT: Okay. So what'd we mark
them as? What --

MR. WHITE: I think it's 36 and --

THE COURT: It can't be 36.

MR. WHITE: -- 136, 136 -- 15
MR. SHIPLEY: You
don't know.

THE COURT: I know.

MR. WHITE: 138.

THE COURT: 136 and 138. I need copies 19 of them.

MR. WHITE: I will send them to you.

THE COURT: No, no, no, no. I need 22 copies of them now.

MR. WHITE: Copies of them now?

THE COURT: Yep.
MR. WHITE:
Okay.

THE COURT: If I'm going to be receiving
them, we receive them now.

MR. WHITE: Okay. All right. 4 THE COURT: If you go to gather them in
other places, then you can supplement your records.

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MR. WHITE: I can print them out or
whatever, yeah.

THE COURT: And you have no objection to 9 136 or 138 coming in?
(Respondent's Exhibits 136 and 138 offered
into evidence)

MR. SHIPLEY: Nope.

THE COURT: So those are received.
(Respondent's Exhibits 136 and 138 received
into evidence.)

THE COURT: So I think that gets us then
to argument. Mr. White, is that -- my understanding is
that you got no other witnesses to call; is that 19 correct?
MR. WHITE: Not today.

THE COURT: Well, we're -- there's not
going to be another today. Today's it. So do you have 23 any other witnesses to call today?

MR. WHITE: Why did the petitioner -- a
few times -- they couldn't get a witness in, and
it -- they were given another day. Why don't I get the same?

THE COURT: Do you have any other
witnesses you're going to call today?

MR. WHITE: Not anymore today because --

THE COURT: Argument then, Mr. Shipley.

PETITIONER'S CLOSING ARGUMENT

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MR. SHIPLEY: Your Honor, I'll try to

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keep this brief. We had submitted a trial memorandum

10

at the outset of this. And I think that, for the most

11

part, we've proved -- presented evidence that supports

12

what was in or what we said we would present in that 13
memorandum.

14

The first issue is spousal support to

15

discuss. My client has gone ahead, and she's not

16

waiting any longer. She's gotten employed, and she

17

makes \$3,600 a month, but that's pretax. She testified

18

that tax professionals have told her -- because she'll

19

have to pay her regular federal income tax and that

20

because she's self-employed, she'll have to pay her 21 self-

employment tax. And the estimates that she 22 has -- I think she

testified 24 to 27 percent -- is 23 where that would come out.

24

In regards to Mr. White's testimony

regarding his income, he states that his income is

\$3,000 or \$3,090 per month. I think there's been ample evidence to show that he's more

than capable of earning 3 in excess of what Ms. White makes. He put forward in a

4

federal document that, you know, 30 hours of his time

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5 was worth \$2,000. So clearly, he thinks his time is 6 worth \$66.66 per hour, at the
7 minimum.

8 He has testified in the past that he
9 would do this RV electrical and earn 5 or \$6,000 a
10 year. He's testified that he would make \$6,500 a year
11 doing Lyft. He's also testified that he's one of two
12 people in the world skilled in this photolithography.
13 Last year, the documents that have been
14 submitted from the IRA documents show that he withdrew
\$38,500. That looks like he put in -- put back in 15 about 11. So he
16 did withdraw 27,000 or so of money 16 from the IRA. So he also
17 had that income.

18 My client is living on the floor of her
19 daughter's house. And, according to Mr. White, that is
20 perfectly fine. He should just continue to live off of 20 his children,
21 or she should live off of her children.

22 That isn't what she wants to do. She's testified here.

23 She's provided evidence regarding potential home loans.

24 And that she would like to own a home so that she could

25 have a place of her own, not -- doesn't need a fourbedroom home like Mr. White has, but
she's looking to

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3 have a home of her own. And she's looking at putting -- of that, I think she testified that she
4 has
5 got about \$250,000 remaining. I think the figures from
6 Mr. Psaradelis were that she would be putting in about
7 a little -- little under 210 to buy a house that is in
8 that 400 - \$500,000 range. And that's a home that
9 nowadays, with the property values being what they 8 are -- it's hard to find that, but that's
10 what she can 9 afford. And that's what she wants to do.

11 The factors that the Court is supposed
12 to look at according to 107.105(1)(d)(C) is the
13 duration for determining spousal support is:
14 "the duration of marriage; the age of
15 the parties; the health of the parties; the
16 standard of living established during the
17 marriage; the relative income and earning
18 capacity of the parties, recognizing that
19 the wage earners continuing income may be a 19 basis for
20 support distinct from the income
21 that the supporting spouse may receive from 21 the property distribution; and then a
22 party's training and employment skills; and
23 a party's work experience."

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Leland Jossy 596

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My client has been very active in pursuing a job in a -- in the -- in an area that she does have some experience in rather than just sitting on her laurels waiting for a handout to come.

Where it appears from Mr. White's testimony that that's exactly what he's doing. He took a week off to go skiing. That's not a luxury that my client has. He took this camper that's their camper. 7 We'll get to that later. But he's clearly spending -- he's spending a lot of time driving to and from Depoe Bay and non -- apparently non income-producing activities.

As the Court kind of pointed out, you know this idea of -- I was an economic major so I should remember this but -- the other opportunities that he could be pursuing as opposed to pursuing and putting a lot of vigor and act and energy into doing nothing that's producing any income other than 17 apparently sharing Scotch with your friends and -- and 18 eating at restaurants on the way down.

I had cited a case within the memorandum regard -- that kind of looks at this idea of Social

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Security and how courts have done that. And what my

22

client is seeking isn't -- is she seeking that the

23

Social Security amounts will be equalized. Mr. White

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currently is receiving about \$2,000 a month. If that month --

money -- if my client's awarded spousal

support on half of that then both of them are on equal footing. She has \$1,000-a-month

baseline, and he would

3

have \$1,000-a-month baseline. And then they can both

4

burn money on top of that. There's also an IRA, which

5

depending upon how the Court distributes that, that

6

money could also then be used to supplement

7

their -- their incomes.

8

I'll move on from the spousal support

9

because I think our memorandum kind of addresses that

10

and the evidence does as well, Your Honor. When we get

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to the property division, the Court's -- I'm not going

12

to talk about personal property because the Court's

13

decide that. But when we come to the other

14

person -- the other personal property that is there, we

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have -- where? -- attached to our trial memorandum

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there, we had provided a -- what did I do with

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Leland Jossy 598

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that? -- there it is, sitting right in front of 18 me -- we had provided a statement of assets and

liabilities.

Some time has expired since the trial

began. But at that time, there was an Ally IRA that

was valued at \$234,000 there, and my client

admitted -- and that was admitted into evidence. And

then there was a TD Ameritrade Roth IRA that's in my client's name of \$1,139. There was four vehicles that

we discussed at the -- that were in existence at the time of the marriage was the 2010

Pontiac Vibe, which

was my client's vehicle; the Chevy Silverado truck

3500, the 2005; the 2014 Volkswagen Jetta; and then the

Arctic Fox camper. Mr. Smith provided evidence 6 regarding the value of those. And I think I'm not 7 going to pull those up unless the Court wants me to.

THE COURT: Nope.

MR. SHIPLEY: Okay. So in regards to

those values, we believe that Mr. Smith's values are

accurate. I think one of the disputes, I guess, that

Mr. White would potentially be raising is the ownership

of the Arctic Fox camper. The Arctic Fox camper, I

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believe the copy of the title that was in existence at
the time this case started has been submitted. The or
the camper was titled in the name of both parties, Mr.
White and Ms. White.

According to ORS 803.010 that's -- it
says that -- that statute says that:
"a certificate -- a certificate of
title is a prima facie evidence of
ownership of a vehicle of an interest
therein in all action, suits, or criminal
proceedings when the title to or right of

possession of any vehicles involve proof of

ownership or right to possession shall be made by means of the original title,
salvage title, or the Department of 4 Records," what they -- records they might
have.

So the title for that camper was in the 7 name of these parties.

In regards to -- I think what the Court
had referred to as "potential shell corporations," and
how -- how that was owned or the rights to that, you
know, camper as far as photolithography -- I think it's
well-established that this -- Mr. White had confirmed

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Leland Jossy 600

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his testimony from the deposition that all the shares

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of -- if the Court even wanted to say that it was owned

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by photolithography -- all the shares of that

16

corporation were owned by Mr. and Ms. White.

17

And there's no evidence that's been

18

presented that Ms. White ever gave up any interest in

19

that corporation. That's only if the Court were to go

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to the extent of saying that that camper was owned by 21 the

corporation. But all the evidence has shown that

22

that camper was owned by the couple.

23

The evidence says -- that was

24

presented -- showed that in the year of 2021, Mr. White had

withdrawn -- and I think we already -- I already

said this, but I want to come back to it -- he had withdrawn \$27,000 from the IRA, and that was -- Ms.

3 White received no money from that IRA during the 2021. 4 In addition to that, Mr. White hasn't paid any of the

5 spousal support that he's been ordered to pay according

6 to the existing judgment, except there was \$3,000 that

7 came out when he refinanced the home, and I think that

8 was through September -- no, that would have been for

25

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9 June, July, and August, I believe, of 2021. Since 10 then, there's been no payments at all on
the spousal 11 support award.

12

We've also presented evidence regarding

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the personal debt that my client incurred in the name 14 of her -- to
the -- that was owed to her children.

15

That was approximately \$16,000. The exhibits have been

16

admitted into evidence. Those were debts that my

17

client incurred because she didn't have income. She 18 didn't have spousal support being
paid to her, and

19

those are expenses that she had to incur in order to

20

move forward. On the other hand, Mr. White was

21

spending money that was in the IRA, as he testified to. 22

As we

stated in our memorandum, we

23

believe that in order to equalize the property division

24

between the IRA and then the vehicle values and then also what Mr. White took out
unilaterally, it was

our -- what we stated -- it was \$165,166 of his Ally Bank IRA should be transferred to wife.

3

And then, in addition, when we add in

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the -- actually, that was not including -- that's just

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based upon the IRA value and the vehicle values -- but

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when we add in his unilateral distributions that he

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Leland Jossy 602

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took from the IRA -- and then also, in that -- my calculations don't include the months -- the existing or the -- my calculation of support arrearage -- it only went through February. But if we added March, April, May, and June, and now July that is five more months, that would be 11,000 in unpaid support. It's 13 our position that husband should transfer \$191,911 from 14 the Ally Bank IRA.

THE COURT: What's that number again?

MR. SHIPLEY: What's that?

THE COURT: What the number again?

MR. SHIPLEY: \$191,911 in order to

equalize the property distribution.

Now, that also does take into account

the discount factor of the IRA. So if the Court didn't

want to impose the "discount factor," meaning as these

people -- as my client takes withdrawals on that IRA,

there's going to be a tax of, I would estimate -- we've estimated talking with tax professionals that it would

be 20 percent because that's on top of her income that she's already receiving, so. I could run the numbers

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Leland Jossy 603

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if the Court wanted it without the discount, right,

but --

So just to wrap it up and get us out of

here shortly is -- our position is that that number in

addition to \$1000 a month in spousal support until my

client -- actually, until my client -- until August

2009 -- at that time my client will receive half of the amount of support that r.. White will receive, so at

that point, those numbers should be equalized. So that

would approximately be in 2009 -- is that there would

have been -- what's that?

THE COURT: August of 2029.

MR. SHIPLEY: Yeah, August of 2029. Is

that at that point, my client would be receiving about

half, so roughly that would be about 3,000 total. And

so my client would seek that, at that point, she would

only receive 500 from Mr. White going forward

indefinitely.

And then on top of that, Your Honor, we

are seeking award of attorney fees based upon -- well,

just some of the difficulty that we've had in this case

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Leland Jossy 604

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in terms of obtaining evidence, and then obviously, we could make an application for that (indiscernible).

Thank you.

THE COURT: Thank you.

Mr. White.

RESPONDENT'S CLOSING ARGUMENT

MR. WHITE: All right. What you read, 803.01 -- 010 refers to a criminal case. This is not a criminal case; therefore, it is not applicable. For the supposed spousal support that was awarded by Judge Fun was not spousal support. It was simply a thousand a month to do a quick sale of the home so that she could pay the utilities and things like that. It's in his order. I could -- I don't have it in front of me, but it's probably in one of these. I'll have to find it. It wasn't to continue after the house was sold.

And so that's why the 3,000 was added to what she received from the proceeds of my loan.

In terms of the camper, evidence -- she

testified in deposition, I testified in deposition,

both of us testified -- the camper was owned by photolithography.

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MR. SHIPLEY: Your Honor, I'm going to
object.

MR. WHITE: No.

MR. SHIPLEY: Because that evidence was
not -- what my client's testimony in deposition was
never brought into this case.

THE COURT: The Court will consider what
evidence (Indiscernible)
MR. SHIPLEY: Okay. Thank you.
MR. WHITE: Yeah. I submitted that to
the Court in my memos. So -- but both of us testified
to that, and today's, I put my testimony in deposition 8 about that.
Furthermore, in photolithography.net
bylaws, only myself, as the president of that
corporation, can determine the value of any asset. The
value of the camper is, therefore, 14,000 that I've
always said it was for the past year and a half. It's 14 not 29,000.
Heck, we paid 30,000 for it in 2015. It's 15 not worth \$29,000. That's
ridiculous.

Furthermore, if we -- what Mr. Shipley
is saying in terms of splitting up the IRA and for 18 spousal support
going further, I don't see how this is

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Leland Jossy 606

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19 equalizing anything because it would make me destitute.

20 I'd have to sell the house and -- or if I -- if I kept

21 the house, there's no way I'd be able to make the 22 payments.

23 I testified, and it's true -- and I

24 submitted by current resume to the Court, and you can look at it

and see easily why nobody wants to hire me.

And I have applied for 35 engineering jobs and not one phone screening from any of them.

So

3

there's -- there's no way that she could get that kind

4

of money out of the IRA. If she -- if I don't get at

5

least 130,000, I can't take out the 1,000 a month to

6

pay my bills substanally (sic) -- sustainably. I mean,

7

I'd love the IRA was 400,000 like it used to be, but

8

with the market and everything, it's down. I don't

9

even think right now it has as much in it as what

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they're requesting.

11

Furthermore, as I said in my testimony,

12

there's two -- two tests that fail for 107.105. One is

13

simply that I can't pay it. Christine from Rick Hook

14

(phonetic) CPA testified to that. I put what my June

15

expenses were. So if any spousal support is awarded,

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July 26, 2022

Leland Jossy 607

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I'll be in contempt of Court immediately because I 17 can't pay it.

18

And that right there is plenty,

19

according to this law, to keep me from paying it. But

20

secondly, I have a medical issue which prevents me from

21

getting a job. Nobody will hire me with what's in my

22

resume. And sure, if I took some of those things out

23

possibly, I could get a job. But as I said, I put in

24

my resume. I don't change anything. I put in there four published manuscripts on COVID that the media's lying about and a grand jury investigation of the CDC. They're crooked. "Centers of Deliberate Confusion" is 3 what they are.

4

And I teach, you know, I teach. And

5

that takes a lot of my time, and I love doing it, and

6

it's very important to the students. I wish we could

7

get a lot more students, but I can't guarantee I will.

8

But in terms of spousal support, if you

9

want to make it even, right now, if she took the money

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that she will get if she gets -- I think it

11

was -- well, if I get 130, whatever is left is about

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Leland Jossy 608

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60 -- she'll have between the money she has left on 13 the -- from the house and this money. And if she 14 invested, she'll be able to take out \$34,000 a year 15 sustainably.

16

And I can only take out 12,000 a year

17

sustainably. So that's not fair either, but that

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would, you know, that would be the proper way to split

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the IRA. If it split less than that, I can't pay my

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monthly bills, at least not sustainably, and certainly,

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if they tried to take the number he was taking, I would

22

have no money left in the IRA whatsoever, and that's 23 certainly not fair.

24

So those are the -- the facts of this

case and why I can't pay spousal support. And the

evidence of that also is June, July, and August when it was supposed to be for getting the house ready for a

3

quick sale, I didn't have any money at that time

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either. So that's why I didn't pay it until the house

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was refinanced. And now, because of what's in my

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resume, I can't get a job. Because people don't like,

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you know, I put everything about climate change in it,

8

and the four published manuscripts with the grand jury

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investigation of the CDC in it. And people look at

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Leland Jossy 609

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10 that and see my experience in litho and see I'm 11 teaching right now, I suppose, and then
they decide to 12 move on to another candidate.

13 But again, I'm not going to change my
14 resume because I -- I don't want to say that I've just
15 been sitting around doing nothing. I do get food 16 stamps, and I
wouldn't get food stamps if I didn't have 17 this low of income.
18 In terms of not doing RV electrical, I
19 haven't done RV electrical now for three years. Last
20 year, I didn't have the home, so I didn't do it. And
21 this year, because I'm teaching, I haven't had any 22 time.
23 So -- and I -- and I haven't given any
24 business cards or anything, so like, you know, I'm not going to get
that income again.

In terms of Lyft, I don't have any time
to drive Lyft. You know, teaching, I said, takes 80 3 percent of my week. This summer, I
could drive lift

4 some, but the 23 Ph.D.'s who review the
5 intergovernmental panel of climate change
6 reports -- that are deliberate science-fiction -- are
7 writing a college textbook called "Climate Crisis
8 Change." With -- the intergovernmental panel of

July 26, 2022

Leland Jossy 610

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9 climate change reports are deliberate science-fiction

10 and then -- it'll be -- if we get it done by September,

11 it'll be accepted by the top journal -- or not journal,

12 but the top college textbook division in the world.

13 And then it will go to university libraries next

14 summer. But from that, since there's 23 of us and we

15 have to split whatever's coming out of that, I don't 16 expect to get any money out of that.

17 But that's what my time is spent doing

18 this summer other than preparing for this. So I don't

19 have time to make any other money. Certainly, if I

20 could get a job -- I did, like, my friend Chris who

21 works at Corvo, he took my resume. They needed a litho

22 person. He took my resume and gave it to his boss, and

23 I still -- and even though he was pushing -- I still

24 didn't get a phone screen interview or an in-person interview.

So it's clear I cannot get a job and

make any -- I can't even make what she's making.

3 \$3,600, that's good. I don't make \$3,600 doing

4 anything. And I -- I don't see any way I will. In

5 terms of doing consulting, I have that -- done that in

6 the past. If the economy crashes coming up, which

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Leland Jossy 611

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would be a much better time to buy a house, then

possibly I will.

The website's still active:

photolithography.net, and, you know, if I get something

from that, maybe I will. But if it happens after

September 9th or so, I'll -- unfortunately for the

school, I'm only getting one science student so far,

but we're hoping some more will sign up between now and

September but -- the teaching will be my priority as it

should be because it's more important for these younger

people to get taught, you know, better science than 18 what the
schools teach.

So in short, I don't have any way to

make extra money. I wish I did. I wish I could get

some funding, but, you know, I put in for funding for 22 the

experiment on U.S. 26 with the National Science

Foundation, and the scientists who reviewed it lied.

They said that this has already been done before and things like that. And even Dr. -- I
forget his

name -- Hamilton of that section has said he knew that they didn't even read the -- read the
proposal. So I

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Leland Jossy 612

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3 didn't get the funding for that. That would have been

4 \$450,000 for that. So I'm going to put it back in 5 again, but again, I doubt they will fund it.

6 But it's true. We could plant native

7 shrubs and trees next to roads, and in ten years,

8 they'll consume all the CO2 from the vehicles because

9 the trees by the zoo are consuming all the carbon

10 dioxide from 160,000 vehicles per day. And that

11 experiment finished the second year where it went to

12 scientific law. And if I get enough money, I'll

13 publish another manuscript that has that result in it.

14 So since I don't get any funding or any

15 big funding for Climate Change Truth, and I can't get a 16 job from

anybody, and I can't do these other things

17 because of time constraints, there's -- there's just no

18 way that I can pay spousal support. And that's about 19 all I wanted to say.

20 THE COURT: Mr. Shipley, any rebuttal?

21 PETITIONER'S FINAL CLOSING ARGUMENT

22 MR. SHIPLEY: Just for the Court, I did

23 revise my numbers without a discount rate. And then it

24 would be -- the equalizing number would be 166,500 in that

situation. But I do believe the -- even though

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Leland Jossy 613

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this is a little beyond the scope of that -- I do believe a discount rate of some factor is appropriate 3 for discounting the cash compared to the IRA

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withdrawals.

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But in terms of, in many regards, it

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seems to me, or it's our position, that there's a lot

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of self-inflicted wounds in terms of not wanting to

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work as opposed to if we could submit a resume and take

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two things out but still get the job. You know,

10

sometimes, you know, a little bit of humility can again

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go a long way in order to, you know, be able to get a

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job. Being a nanny at 60 years old wasn't necessarily,

13

you know, my client's lifelong desire. But she finds

14

it very fulfilling, and she's done -- she's been 15 industrious in seeking employment. And I think the 16 respondent can do the same.

17

THE COURT: Thank you. All right. I

18

will try to get a decision to you all within the next

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two to three weeks. Thank you.

20

MR. SHIPLEY: Your Honor.

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(Proceedings concluded at 12:09 p.m.)

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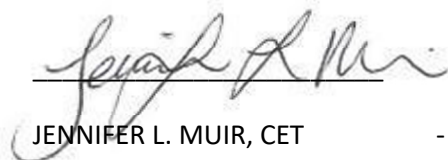
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Leland Jossy 614

CERTIFICATE

I, Jennifer L. Muir, CET-1149, a court-
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foregoing is a correct transcript from the official
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matter, to the best of my professional
skills and abilities.



JENNIFER L. MUIR, CET - 1149 November 16, 2022

Certified Electronic Transcriber

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Leland Jossy 615

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